



Speech by

Mr ROB MITCHELL

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INDUSTRIAL RELATIONS BILL

Mr MITCHELL (Charters Towers—NPA) (12 p.m.): I rise to oppose this Labor Government's Industrial Relations Bill 1999 and, in doing so, at least at a decent hour. At one stage it looked like the member for Southport and I were going to be the rear guard at about 3 o'clock this morning. I say to honourable members that I was not looking forward to that.

It is plain that this Bill is a misadventure. It was born out of an alliance between that portion of the union movement that was disfranchised by the AWU's capacity to see the future and work towards it and the newly energised Left of the Labor Party. The odd thing is that the member for Brisbane Central allowed the Bill to be born. He knows that it does not square with his election promise to produce a 5% unemployment rate. That rabbit is likely to be a very sad little bunny in the Premier's charade. The Premier also knows that the Bill does not square with the Queensland economy of today and even less meets the requirements of Queensland's economy of tomorrow.

This Bill is a bad Bill. It attempts to reinvent the past—a past that the Left of the Labor Party apparently remembers fondly, although with very little accuracy. The Bill abolishes greenfield provisions which, incidentally, was a product of Wayne Goss and his Government, who kept the present incumbent out of Cabinet. The Bill also returns the de facto closed shop situation, permits union interference in business operations and, most importantly, hits small business. Even the do-littles opposite should be able to understand that none of those things advance Queensland or Queensland workers.

The vital difference between acting and performing—which is the vital difference that Premier "Do-little" who, despite his year in office, has failed to spot—is blindingly obvious in this Bill. The Premier has just returned from a vocal excursion to the United States where he tells us he has been trying to attract new technology to Queensland. Everyone on this side wishes the Premier well in that quest. However, everyone on this side wonders how he will achieve this, given what he is trying to do to Queensland and Queensland workers. Attracting new technology, the industry of the future and the least likely territory for a shop steward that I could imagine, sits awkwardly with unnecessary legislation that reverses labour market freedom.

Increased regulation, and that is the principal outcome of the legislation as well as a principal concern of this do-little Government, will not attract new technology or, for that matter, old technology. It will not enhance the search for private sector employment growth. To a very large extent, economic growth and employment growth are effected when Government institutions and policies encourage innovation and risk taking. This Bill encourages a flight from that risk taking in relation to enterprise and energy. It is a simple fact of life, and if the Premier does not know it then he should widen his sources of advice, that the more Governments and their agencies regulate decision making by business, the less business will risk applying technological advances. That equation is not lost on those people overseas to whom the Premier sang his song of excellence. He says one thing and does another: promotes Queensland as the place in which to do business while undermining Queensland's prospects for attracting technology businesses by legislating to make it more difficult, more costly and more risky for businesses to start new ventures, let alone make the changes that are necessary in their structures if they are already in place in Queensland.

The advice that the Premier and the Minister for Employment, Training and Industrial Relations should be listening to includes the clash between their proposed increased regulation and the famous—now threatening to be infamous—5% unemployment target promise. Yesterday, we heard that the May unemployment figure for Queensland was 8.3%—up by half a percentage point from the April figure. Just like the Premier and his Government, Queensland's unemployment rate is going the wrong way.

The effect that the restrictive, union-favoured workplace regime that this Bill seeks to impose is likely to achieve is exactly the reverse of what the unions' friends opposite want it to achieve—a massive shift to the Federal IR arena. So much for protecting the interests of Queensland workers, at any rate from the skewed perspective of the Labor Party, if the result of this legislation is for people to vote with their feet and move out of the State industrial relations system! Moreover, under this Bill, the gap between the State's unemployment rate and the national rate will widen, to Queensland's disadvantage.

So much for the can-do Government! So much for the leading edge that Queensland has had historically! The Premier may feel happy playing in the middle of the pack and the member for Kedron may feel happy sitting on the reserve bench—and I believe that he will be right out of the team when the bomb drops from this shonky legislation—but I doubt that ordinary Queenslanders will be impressed with such plans. There are a great many inconsistencies in this Bill. The proposed increase in powers for the Queensland Industrial Relations Commission to resolve disputes sits oddly with the Premier's characterisation of the QIRC during the Sun Metals dispute—when he seemed determined to suffer an embarrassment a day—as a body with a poor record of ensuring union compliance with its orders and recommendations. Of course, that line came from the Premier's spin doctors because, under the existing legislation brought in by the coalition Government, the QIRC has all the powers that it needs. Bill Ludwig knows that and has said so publicly. The State Industrial Court knows that, and it so ruled. The defective performance in the Sun Metals dispute was not by the QIRC but by the Government, which must have been so smitten by its discovery of the new Mahatma at Gordonstone—which, by the way, is a Federal legal issue and not, as the Labor Party would like everyone to believe, a State industrial matter—that again it forgot which way is up.

This Bill's requirement for a 21-day period of abstention from industrial action after the notification of an intention to begin negotiations is unlikely to reduce disputation. As always, unions will simply take action first and then give notice. If the Government was fair dinkum about encouraging industrial peace, instead of using the Mogodon method that is embodied in this Bill, it would be encouraging the inclusion of dispute settlement procedures, including mediation, in employer/employee agreements. Both the Federal legislation and the West Australian rules include those procedures. That has had the beneficial effect of keeping the tribunals out of the dispute settling game, unless they are wanted by both sides to be involved.

The Premier and the Minister are also wrong in claiming that the proposed mandatory probationary period of three months for all new employees is a first. That is another shonky claim from the self-promoters opposite. The Federal legislation already has such a probationary period. Of course, playing up the three-month rule is an attempt—and, I might add, a failed attempt—to play down the fact that this Government is stripping small business of its exemption from unfair dismissal claims. That is yet another example of woolly thinking from this band of misadventurers who boldly go where everyone has been before. Small businesses create most of the jobs, yet they have far fewer resources than their larger counterparts by which to handle such claims. However, never mind, the Premier thinks that it is a good idea to cut off our nose to spite our face. The basic flaw in the thinking behind this legislation is that a major inequality exists in the bargaining power between employers and employees and that that leads to the exploitation of workers unless there are extensive regulations. That is another example of ostrich behaviour: finding some nice, soft sand in which to bury one's head or, unfortunately for Queensland, taking another trip back in the time machine to a land and time in which this Government's big union mates feel warm and safe.

The facts are different. As a rule, employers now operate in a competitive market in which it is not possible to collude to force down wages and other conditions. During his US trip, the Premier might have noticed that in the less regulated US labour market, the share of GDP going to labour has actually tended to increase. Maybe he should take a leaf out of their book or, if he does not, take another trip to America to find out more. Nowadays, employees have much greater bargaining strength, partly through the income protection that the social security system provides. On another front, it is very clear that the majority of Queensland and, indeed, Australian workers require the protection that this Government says this Bill will give them.

When asked to name the best and worst things about their workplace, Australians most often refer to relationships with colleagues and management, the effectiveness of their boss and or management, the work environment and—in the words of the analysts— compensation. That is a very big and a very worrying word for a lot of small businesses. Personal satisfaction is the primary positive

factor. There is plenty of scope for increasing personal satisfaction in the workplace, but no role for Government in achieving such an advance. Like with so many other things, the best role for Government is to stay out of the workplace. People want to control their own lives and they want to feel empowered to do so, and that means not having the Government breathing down their necks or telling them what to do. This Government is missing the boat—as it has always been prone to do—by harking back to the past when it should be looking to the future.

My colleague the member for Clayfield summed up the Bill when he said that it is bad legislation that replaces perfectly good and effectively working legislation. All employers are quite happy with the current workplace relations and believe that it is the only workable way for future employment in their businesses and industries. The Bill will undermine the job creation potential of all Queensland businesses because it is anti-business legislation—it is especially anti-small business. As one small business owner said to me just last week, "This is the 'Kiss the employees' boots for coming to work for me' Bill." He said that it will not worry him because he simply will not employ anyone if the unions attempt to disrupt his current operations. At present that man employs five permanent and two casual workers. He said that if things started to go wrong, he would get rid of the five permanent members of staff for a start. I believe that a thousand more businesses will have the same view.

The Bill is back to front. Employers have argued for more flexibility and less intervention by third parties when employing people. This Bill reverses that entirely. Many people have worked and saved throughout their working lives to get to a position where they own a business from which they can make a living and employ others. However, the pleas of those people have been totally ignored by the Labor Government. I do not blame any employer who takes that attitude to this ridiculous legislation.

This Bill has been formulated purely on the whims of the union movement of this State, but even then the Government could not get it right because it has favoured one union at the expense of another. I certainly hope that the legislation does come back to bite the Government, as I am sure it will. Even Bill Ludwig has said that this legislation is just not workable.

When will the Labor Government understand that before we can have employees we must have employers who are able to employ without all the imposts that this Bill will once again place on them? The Bill will further diminish the ability of small business to retain the staff that they already employ. The small business sector has had a gutful of all the Government and union interference in the workplace. We have seen this in a lot of legislation, such as the coalmining Bills that the House debated recently. As a result of the passage of that legislation, once again the unions will take control of mine sites and will be able to close down sites and interrupt the whole mining industry.

The existing coalition legislation includes comprehensive protection for workers in terms of basic rights, conditions and wages. Why are we being asked to change these rules? Because the Beattie Labor Government is not the independent Labor Government that it claims to be; it is a Beattie union Labor Government!
