



Speech by

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TRAINING AND EMPLOYMENT BILL

Mr FELDMAN (Caboolture—CCAQ) (4.29 p.m.): It is with pleasure that I rise to speak on the Training and Employment Bill. As has already been flagged, the City Country Alliance will definitely be supporting the Bill, which I believe contains some great things. Later on in my contribution I will be referring to some of the horror stories of events which, as a result of the introduction of this legislation, I am assured by the briefing officers will no longer occur.

The principal objectives of the legislation are as follows—

"establishing a State training system for the effective and efficient provision of high quality vocational education and training to meet the immediate and future needs of industry and the community; and

providing mechanisms by which industry, employers, employees and the community can advise government on vocational education and training needs and priorities to meet those needs;"

Those are both very encouraging things. The principal objectives of the legislation continue—

"encouraging and supporting the continued development of high quality training by and within industry; and

facilitating the provision of vocational education and training that is relevant to employment or will encourage the generation of employment opportunities; and

regulating the registration of training organisations, accreditation of courses and the training of apprentices and trainees under registered apprenticeship or traineeship contracts within the State; and

promoting the development of a national vocational education and training system including the implementation of nationally agreed policies."

They are all very high ideals and I hope that the Bill helps achieve them.

I want to highlight a few of the problems that I have encountered in relation to employment over the last couple of months. I received an email from the father of a young fellow on the Gold Coast who was laid off before his probationary period ended. The email says in part—

"Some unethical employers are taking advantage of Government subsidies and using kids as cheap labour.

Peter Beattie's election platform of Jobs Jobs Jobs is a joke.

It's no surprise the unemployment rate is climbing in this country when you have the Government on one hand subsidising employers to employ kids and on the other hand you have unethical employers taking advantage of the subsidies hiring kids for the probation period and then laying them off only to start the whole process again.

The search for employment again is a major stuff up by the Government in that Jobseekers have to register with every Tom Dick and Harry employment agency. Even once registered these employment agencies will not help you obtain a job, they look upon themselves as a medium to gather vacancies from employers.

Centrelink and the internet provide details of job vacancies, but the system collapses at this point, because you have to find out where the vacancy is registered then go to that agency and register with them so they can tell the Government that they have matched up a job vacancy with a jobseeker."

He goes on—

"What a load of baloney.

One agency will not contact another on your behalf but rather bluntly and rudely tell you where to go.

Every man and his dog requires that you provide your personal details to them. It is no wonder why the unemployed become frustrated and disillusioned.

I know you personally can't do anything but perhaps this could be brought to the attention of parliament so they at least can be seen to care even if they don't give a rats."

The man's son also contacted his local Federal member, who told him that she was in her last term and would not be making any waves.

It is terrible to see a 17 year old lad taking up what he believes is a chance for an apprenticeship as a motor mechanic, doing his time of grief, running around and doing the dogsbody work, getting himself greasy and dirty and thinking that he is doing this so that he can become an apprentice, only to be told before his probationary period ends that that is it—end of story. It is sad when that occurs to a young person. That young lad's dreams were squashed. I believe that the introduction of this Bill might assist in preventing some of those tragedies from occurring.

Clause 64 details reasons for terminating apprenticeships. I look back at the old section 208 of the Criminal Code, which referred to domestic discipline. In this instance, an employer having an apprentice under his care could institute disciplinary action against his employee under the old Criminal Code. However, times change. Clause 64 provides good reasons for immediate suspension and/or termination.

I recall a case where a carpenter took disciplinary action against apprentices who were in his care. The two apprentices were mucking around with a bandsaw. The carpenter was working up in the roof and he flicked a chip down at the lads and told them to get away from the bandsaw. They continued mucking around with the saw, and the carpenter flicked a bigger chip down at them and it hit one of the young fellows. The carpenter told the young men that they were both sacked and that they had to leave the building site. The parents of one lad tried to bring an action against the carpenter for flicking the chip at one of the young apprentices. They claimed that the lad had a bruised shoulder. When that claim was not entertained, the parents tried to take action against the carpenter for unfair dismissal.

The Explanatory Notes makes it clear that under clause 64 an employee can be dismissed if "while at work, causing an imminent risk of bodily injury to another person or a work caused illness or a dangerous event ... to occur". I believe that certainly covers the aspect of the carpenter trying to take care of his apprentices. He was endeavouring to ensure that they did not cause themselves grief while they were in his employment.

I had occasion to speak with DETIR in relation to a constituent of mine, a Mr Noone, who suffered an acquired brain injury as a result of a traffic accident. Mr Noone is disabled to a degree where he cannot function for lengthy periods of time. Mr Noone and nine other disabled persons were taken on for a traineeship by an employment agency at Caboolture. These 10 people were sold a dream in relation to their future employment.

The employment agency had been promised by quasi-government departments and some shire councils that they would take on these apprenticeships and traineeships of the disabled persons. The matter was not signed off properly and, eventually, it fell down. These young people felt extremely let down. They had been working in the field of information technology for 13 weeks. Suddenly, they found themselves without any prospects of employment. The employment contracts were either terminated or changed. Unfortunately, Mr Noone had to have his contract cancelled by mutual agreement.

He has had further contact with DETIR. I have also had meetings in my office relating to the treatment received by Mr Noone. I hope that the employment provider and the training establishment have learned a lesson about the way in which they do their work. I was advised at the briefing that this sort of situation would not occur in the future because the employment provider would have to make sure that prospective employees would be signed off to the degree that they actually knew what they were doing before they took on apprenticeships or traineeships. I hope the Minister can assure me that that will occur under this legislation. These dreams and these hopes are sold to so many disadvantaged people. In the future, we can only hope that they will be provided with exactly what they were promised.

I spoke to John Thompson in relation to another of my constituents, a lady who had served almost 11 and a half years at an aged care facility. Unfortunately, she terminated her employment in March this year. She would have been entitled to long service leave some three months later, on 23 June, under the current industrial relations legislation. Her long service entitlement was affected. That employer took the view that, because she had not completed 10 years' service since 23 June 1990, the relevant date, there was no obligation to pay any of her long service leave entitlements whatsoever. I think that, under the provisions contained in this Bill, she would now be entitled to a pro rata payment of her long service leave, even though it was nine years and nine months since that date. Under this legislation, that organisation would now have to actually pay that long service leave.

I think that it is pretty sad that a person has to take an organisation to the Industrial Court to have them fulfil their obligations. I do not know how many other people have found themselves in a similar situation. When someone puts that length of time and effort into an organisation, I think that it is quite nasty for that organisation to say to that person when they leave that, no, they did not quite complete their 10 years and, therefore, do not qualify owing to an anomaly in the Act.

I do not really think that that was the intent of the Act. I think that the intention was that—no matter how long a person had been working for that organisation—even if they had completed 10 years with that organisation, from 23 June 1990 the organisation would be paying pro rata that person's long service leave. I think that, from the briefing that we received for this Bill, that will occur. I hope that that is what will occur and that Lorraine Lavarne on Bribie Island will be able to get her entitlement to that long service leave that I believe—and I think that was the intent of the Act—she is entitled to receive. I will certainly be writing on her behalf to that organisation where she was employed saying that the intent now is that she should be able to gain her legal entitlement to her long service for the time that she has put into aged care at Bribie Island. I think that will well and truly satisfy her concerns.

She left that employment three months before she would have achieved her 10 years' long service. It was pretty sad that at the time the employer did not advise her that if she had completed another three months, which I think she would have well and truly agreed to do, she would have been entitled to her long service leave.

I thank the Minister for the briefing that was provided to the City Country Alliance on this legislation. When I raised these concerns at the briefing, I was advised that, under the provisions of this legislation, they would be taken care of. I look forward to seeing that occur. Once again, I reiterate that we will be supporting the Bill.
