Speech by

GEOFF WILSON

MEMBER FOR FERNY GROVE

Hansard 31 May 2000

TRAINING AND EMPLOYMENT BILL

Mr WILSON (Ferny Grove—ALP) (5.19 p.m.): I rise with great pleasure to support the Training and Employment Bill 2000 and to indicate my support for a number of amendments that are effected via Schedule 1 to the Bill currently before the House. They are consequential and supplementary changes to the Industrial Relations Act 1999.

The provisions of the Industrial Relations Act became effective in July 1999. The Act promotes economic and social objectives by providing an industrial relations system that is fair and equitable and promotes economic prosperity, job security and jobs growth. This Act represented a significant step forward in industrial relations in this State and has set the stage for the conduct of industrial relations into the 21st century.

At the time the Act was introduced, members opposite sounded the death knell for business in Queensland and heralded industrial chaos. These predictions have not come true. Not one of the predictions of doom that came from the Opposition has eventuated. The evidence for this can be seen in the figures for industrial disputes and unfair dismissal applications. Both of these indicators are lower under the Industrial Relations Act than they were under the coalition's Workplace Relations Act.

The latest available figures show that 1,331 unfair dismissal applications were made in the first 10 months of the operation of the Industrial Relations Act, compared with 1,404 during the last 10 months of the operation of the previous Act—a fall of 5.5%. Industrial disputes decreased from 36,000 days lost to 26,000 days lost—a fall of 26.3% based on most recent figures comparing the seven months prior to and following the introduction of the Industrial Relations Act. Queensland was the only State to record such a drop. A major reason for this is that the Industrial Relations Act gave the Industrial Relations Commission the power to intervene during protected bargaining periods and resolve disputes quickly.

Now we see a number of amendments to the Industrial Relations Act that are contained in Schedule 1 to the Bill. As the Minister stated in his second-reading speech, these amendments are mainly technical amendments. Nevertheless, they show three things very clearly. The first point is that the spirit of consultation and cooperation that was evident at the time the Act was first introduced has continued. The Act was introduced following a significant consultation process, the key feature of which was the independent tripartite industrial relations task force. Many of the amendments that are contained in Schedule 1 to the Bill are the result of consultation with unions and employer organisations or approaches from these organisations. The Government has demonstrated that it is continually willing to work with employees, unions and employers to develop and improve its industrial relations legislation.

The second point is that these amendments are of a technical nature. They strengthen and clarify the original intentions of the Government when it introduced the Industrial Relations Act 1999. These amendments represent no change in Government policy because the Government got it right the first time. The provisions of the Act address the real needs of Queensland employees and employers. They take account of both social and economic goals and ensure a balance between the achievement of fair outcomes for workers and the improvement in the production performance of Queensland industry.

The third point is that the recent proposal put forward by Peter Reith to try to use the Constitution's corporations powers to override existing State and Federal industrial laws is fatally flawed. The relevant amendment relates to the removal of the exemption from State unfair dismissal provisions for Federal award employees not employed by constitutional corporations. Clause 18 of the Bill removes the feature of the Act that was first introduced in the Workplace Relations Act 1997.

This provision was designed as complementary legislation—designed, I might say, by the coalition—to support an experiment by Peter Reith to use the corporations power to underpin Federal unfair dismissal laws. This experiment, aided and abetted by the member for Clayfield—the workers' friend—has failed miserably. The High Court has held that Federal award employees who are not employed by constitutional corporations—there are a staggering 55,000 of them in Queensland alone—are not protected by any unfair dismissal provisions. They can be sacked at will. This is a direct result of the coalition's amendments to reflect the Reith agenda at a Federal level. We will not see the member for Clayfield or the Federal Minister crying any tears for these workers. They would be happy to see these workers without any industrial relations protection whatsoever. We note the total silence of the member for Clayfield about the High Court's decision since it was handed down.

The member for Clayfield has already talked about handing Queensland industrial relations powers to the Commonwealth, the great defender of States' rights that he is. He has expressed keen interest in the Reith proposal to try to use the corporations power to abolish the current State and Federal industrial relations system—an abuse of the Federal Constitution.

Mr SANTORO: Mr Deputy Speaker, I rise to a point of order. I again go on the record as saying that the comments that the honourable member is making in relation to me are not true. I have not—

Mr DEPUTY SPEAKER (Mr Fouras): What is your point of order? If you are seeking to have it withdrawn, I will ask him to withdraw.

Mr SANTORO: Has he signalled that he will withdraw it?

Mr DEPUTY SPEAKER: You are entitled to seek a withdrawal on the basis that—

Mr SANTORO: I would like the comments to be withdrawn, because they are not true.

Mr WILSON: I would not want to offend the member for Clayfield and excite his exaggerated level of sensitivity, so I will withdraw that, in great deference to you, Mr Deputy Speaker.

As I was saying, the agenda of Mr Reith and the member for Clayfield has been to exploit the Federal Constitution, contrary to the intention of the founding fathers of our Federal Constitution, to use the corporations power to diminish the rights of the States—to circumvent the industrial relations powers the States retain by virtue of the plenary powers they have arising from their own separate State constitutions. That exercise has been thwarted by the High Court—thankfully, we must say.

The Reith and Santoro agenda would see the dismantling of the strong and independent industrial tribunals and take us back to the law of the jungle, where the relative power of the corporations and of workers is left to work itself out in this mythical, magic place called the marketplace. Workers would be left without protection and would see their employment conditions vanish.

Under this scenario strikes would escalate, as we saw in relation to the Gordonstone mine. Workers were covered by a Federal award and the dispute was dealt with in the Federal commission a year or so ago. We would again see the masked security guards and attack dogs behind barbed wire fences. Those symbols of the Reith agenda and the agenda of the coalition here in Queensland will remain forever etched in the minds of not only workers in Queensland and throughout Australia but also the general population. They signify everything that is anathema to the concept of a fair go held by all workers and decent people in the community, including the vast majority of employers in Australia.

Victoria is an example of a State that sought to hand its industrial relations system over to the Commonwealth. Its system had far less coverage than does the Queensland system. Historically, the Victorian industrial relations system was developed with a major role for the Federal industrial relations system in any event. So there is a relatively small number of State award workers employed in Victoria as opposed to, say, Western Australia or Queensland. The consequence of Victoria going the full hog, as it did—it handed over its industrial relations system to the Commonwealth—was that when industrial disputes followed the Victorian Government was powerless to act and Reith himself refused to act. Indeed, the Federal coalition Government was delighted that these disputes existed and that they became protracted disputes that were difficult to settle and caused enormous disruption to the normal course of business and Australian community life. This was part of the Federal coalition's agenda.

This case shows that the Federal Minister has no genuine commitment to establish a workable, unified industrial relations system on a collaborative basis. Hundreds of thousands of Victorian workers have been left with little or no industrial relations protection as Reith rejects the continuing efforts of the Victorian Government to establish a satisfactory system—efforts now being undertaken by a Victorian Government under the leadership of Steve Bracks, who heads an excellent Labor Government. Do not

believe Reith and the member for Clayfield and others of the same Far Right ideological bent when they seek to justify deregulation of the labour market on the basis of jobs growth and the economy. The evidence is clear that this is not the case. All that deregulation would do is increase the growing gulf between high and low-paid workers.

A 1997 OECD report found few real links between economic performance and bargaining systems. A recent analysis of the radical deregulation of industrial relations in New Zealand introduced by its Far Right idealogues has shown that expected improvements in economic performance have not been achieved in that economy or that society. The study, commissioned by the New Zealand Treasury, found that labour productivity fell following the unchecked Reith-style deregulation of the labour market.

The member for Clayfield has also stated that the Beattie Government's industrial relations laws have favoured unions over business. The facts simply do not support the member's political rhetoric, but then we would not want to get in the road of the absence of facts. The Industrial Relations Act was developed with the cooperation of employers and employees, as I indicated earlier, and this spirit of cooperation has continued. As I said earlier, there were higher levels of industrial disputes and unfair dismissal complaints under the coalition's Workplace Relations Act. When that flawed piece of legislation was in force in Queensland, there was no talk from the member for Clayfield of handing Queensland's industrial relations jurisdiction to the Commonwealth. In contrast, he defended it vigorously. His latest statements are clearly all about putting ideology before commonsense, but we have come to expect nothing less than that approach from the member or the Queensland coalition generally.

In this climate, given the fundamental policy differences between the Queensland and Federal Governments, it is more important than ever that Queensland maintains its own strong and independent industrial relations jurisdictions, just as it has over many, many decades of a separate State-based jurisdiction that has developed in Queensland since 1916.

In conclusion, I congratulate the Minister on the Industrial Relations Act 1999 and the Training and Employment Bill. I have been addressing my comments to Schedule 1 to that Bill. Both of those pieces of legislation are fair and balanced, and each has demonstrated the clear intention to meet the needs of all Queenslanders. The amendments being made under the Bill before the House can only strengthen that Act. I thoroughly support the Bill.