



Speech by

Mrs J. SHELDON

MEMBER FOR CALOUNDRA

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INDUSTRIAL RELATIONS AMENDMENT BILL

Mrs SHELDON (Caloundra—Lib) (11.55 a.m.): I rise to contribute to the debate on the Industrial Relations Amendment Bill 2001 which deals with a range of amendments to the Industrial Relations Act 1999. At the outset, I want to correct a few things said by the member for Ashgrove, particularly his comments about Mr Abbott. He obviously does not know the federal minister well. I do. I think he is a very able man. I think he is committed to fairness in the workplace and fairness for employers and employees. The trouble with the member for Ashgrove is that he does not believe employers should be fairly treated. He forgets that it is the employer who provides the job for the employee. Without employers, there would be no jobs or any of the benefits and entitlements that flow from full-time, part-time or casual work. There would also be no jobs if we did not have a stable economy with small businesspeople prepared to put up risk capital and put their businesses on the line in order to employ people. There has to be a fair balance.

I have been both an employer and an employee. Good working relationships with employers and employees are the way to go. As an employer with a small business, I had very good working relationships with my long-term staff. In fact, long before the Labor Party was beating the drum about job sharing the women in my practice came to me and said that they would prefer to job share, because they all had families with children. One worked three days and one worked two days. They made arrangements to fill in for each other during holidays. That is what they wanted. I said, 'If that's what you want and the service to my practice continues as it is, then by all means that is what you should do.' That is what should happen in a happy workplace. There should not be enforcement of unfair conditions by either employers or unions acting in their own interests, not necessarily in the interests of employees.

It is interesting to look at the speaking list for debate on this bill, because 21 members of the Labor Party are on it. They have all obviously nominated to speak on this bill because of their union affiliations and connections and in order to pay homage to their relevant unions. It is interesting to note that on other bills that were debated in this House, including the Constitution of Queensland, we saw nothing like 21 members of the Labor Party speak to that bill.

A joint and satisfactory agreement—hence I do support workplace agreements—between an employer and employee is the way to go. I do not support discrimination. There are adequate rules in place to ensure that discrimination does not occur. It should not occur, be it discrimination against a male or female. It should certainly not occur to people who are in a position of non-strength. However, there are adequate provisions in a raft of legislation which ensure the security of such an employee in situations that may arise. It is also interesting to note that a lot has been said in the debate thus far about paid or unpaid overtime, and that was mentioned by the member for Ashgrove. An anomaly that I never hear any members of the Labor Party mention is the fact that our state electorate officers are not paid overtime.

This Labor government has not made provision for paying overtime to these staff members. All honourable members know that. These people work extra hours for the particular honourable member and for the community that we serve. Overtime is paid by the federal parliament. It is about time that the situation changed in Queensland. If those opposite are committed to looking after the entitlements of employees, I suggest they start looking after the entitlements of the parliament's own employees—our de facto employees, because we appoint the person who is going to work in our offices.

I am also very tired of hearing that the coalition does nothing for women or for workers. I would like to bring to the attention of the House that when I was the minister responsible for women's affairs and when Mr Santoro was Minister for Industrial Relations we introduced paid maternity leave. That was the first time the matter had been considered in Queensland. The Labor Party had done nothing about that issue. These things need to be put on the record. As the minister responsible for women's issues, I thought it was most important that women receive paid maternity leave. The coalition government introduced that provision.

The question of unfair dismissal is often raised. People should not be unfairly dismissed from their jobs but, at the same time, employers should not have to maintain employees who are not doing a good job and who are simply clogging up a business and making it non-productive. There are plenty of people in the community who want jobs.

We introduced our unfair dismissal laws at the request of small business operators who do not have the time to go through the various aspects of arbitration and industrial relations kerfuffle which are invariably introduced by the Labor Party. Our legislation provided that small businesses employing fewer than 15 people did not have to comply with unfair dismissal laws. Quite often people in small business get on very well with their employees. Disputes often occur in larger businesses. Disputes also occur where there is strong union representation. This very aspect often leads to disputation. The provisions that we introduced no longer apply, and I believe that is very unfortunate for people in small business. These are the people who find it very difficult to remain viable and provide jobs in our global economy.

I certainly support equal pay for equal work for men and women. I believe anything that entrenches that principle should be supported. I certainly support that aspect of the bill. A person's gender is irrelevant. People should be paid the same amount of money for doing the same job. I believe that any provision that clarifies that situation should be supported. I do not support people who are arguing against that concept.

I do not agree with the concept of a minimum wage for 'all employees'. I thank the minister and his staff for the relatively comprehensive briefing I received on this legislation. I ask the minister to correct me if I am wrong, but I believe that this is the first time in Queensland when a minimum wage will apply to all employees.

Take, for example, a person who does house-cleaning for three or four hours a week. These people enter into mutual arrangements. In my experience, they are the people who set the hourly rate they want. By and large, these people are not members of a union. The same situation applies to gardeners. I have a woman who helps me in my house, and I also have a woman gardener. They are both excellent employees. I find that women make very good employees. I came to an agreement with these two women. They set the amount per hour that they wanted. How will this translate across the state when every person in this category will have to participate in a minimum wage? How are they going to know what is the minimum wage? How will the employer know what is the minimum wage? These arrangements are something akin to a small workplace agreement between the employer and the employee. A lot of these people may fit into the subcontractor category. Of course, the union does not want this situation; rather, it wants these people brought under the union's apron.

It is not easy to get good people to work in the house and in the garden. Such people are in very high demand. They make their own arrangements: they work the days they want, they work the hours they want and they set the amount they want to receive. Many of these people have families. These people have not asked for a minimum wage. At the briefing I asked the question, 'How do you know people want this?' I was told that about 20,000 people had input into this. I asked, 'How did you find the 20,000?' After all, none of these people are union members. Who knows how many hours a week they work. That is a matter that they determine for themselves. I do not see how such people could have been asked for their input. These people cannot be accessed in a community survey. I believe this is taking things to extremes.

Another aspect of this bill concerns the circumstances in which legal representation will be permitted before the Queensland Industrial Relations Commission. From the information I have gained, I generally support that provision. I do not believe that the Industrial Relations Commission should become a total legal battlefield. We already have that situation in our courts. An individual should be entitled to represent himself before the QIRC.

Employers and unions are often represented by their own advocates or lawyers. When it comes to unfair dismissal cases, I wonder if it would be possible to have an industrial advocate present at the commission on the same basis as a duty solicitor appears in the courts. In that case, a person who feels he needs representation will find it is readily available to him. In this way, he does not have to find his own lawyer, become a member of a union or become a member of an employer's group. I would like the minister's comments on that matter.

The bill clarifies the situation with regard to the awarding of costs in proceedings before the Industrial Court. The bill states—

The QIRC may include costs for representation by persons who are not lawyers, and include witnesses' and other expenses.

Provided that is not an open catch-all, I believe it is fair comment. Industrial advocates must be able to recover their costs. I guess those costs would be added in in their account to the employer or the union. I ask for a little more detail on the application of that aspect of the legislation.

I notice that clause 6 applies retrospectively. My understanding is that the purpose of that provision is to stop double dipping. The employers certainly agree with that. I suppose an employee who is double dipping will not agree with it. Whilst I usually do not agree with retrospective clauses, in this case it would seem that it is only fair. I am informed that the problem occurs with public holidays. I am told that it applies more in the shiftworkers' situation. These workers receive an extra week's leave, but some are claiming public holidays worked in addition to the extra week. That is hardly fair. The workers were given the extra week's leave in order to cover such a situation.

A comment was made that the federal government is skewing the figures related to casual and part-time work. I do not believe that the Commonwealth government is skewing the figures—certainly no more than the state government is skewing its figures on the number of jobs it has provided. Because of our changed environment, many more men and women wish to work part time. They prefer to work part time and to have a better lifestyle. That should be their choice. This is where I do not support a lot of the Labor Party's support for some of the union intervention. It seems that the union is not necessarily looking after the wants and needs of its employees; it is looking after how it thinks things should happen. I am not a union basher. I firmly believe—

A government member interjected.

Mrs SHELDON: No, I'm not. I firmly believe that people should have the choice about whether or not they want to be in a union, and it is up to the union to sell to the employees the benefits of being in it—the same as anything else. If the employee wants to be in it, OK. If employees do not want to be in the union, they should not have to be, and they should be able to make their own arrangements with their employers. I do not see how anyone can be against that concept of freedom of choice if there is no ulterior motive. I happen to believe and support what Simon Crean is saying in that he will take the Labor Party a little away from union dominance. I know one must query whether that is in fact something that Mr Crean really thinks, he having once headed the ACTU. But, if he does, it shows that he believes that the dominance of unions over Labor's actions, be it in opposition or in government, should be restricted. We have recently seen what happened to the Labor Party in Queensland as a result of the dominance of certain unions and the corruption therein. Generally, I will support the bill in many of its provisions. As I outlined, I do have some concerns about a couple of the clauses, and I will be asking for more clarification by the minister with regard to those clauses.
