



Speech by

**Hon. GORDON NUTTALL**

**MEMBER FOR SANDGATE**

Hansard 7 November 2002

**INDUSTRIAL RELATIONS AMENDMENT BILL**

**Second Reading**

**Hon. G. R. NUTTALL** (Sandgate—ALP) (Minister for Industrial Relations) (11.34 a.m.): I move—  
That the bill be now read a second time.

The Queensland Labor government's industrial relations laws are fair and balanced and designed to promote jobs growth and equitable economic growth. The government is determined to work constructively with both workers and employers in delivering these outcomes and to ensure that workers and employers have access to an independent and effective umpire to help all parties work towards a prosperous state economy.

At the centrepiece of Queensland's industrial relations legislation is the Queensland Industrial Relations Commission—the independent umpire. The Beattie Labor government set about restoring a stronger, fairer, commission in 1999 under its landmark Industrial Relations Act. This move was in stark contrast to the Federal government's attempts to emasculate the federal commission.

The appointment in 1999 of a full-time President of the Industrial Relations Commission—the first such appointment for 80 years—also highlighted this government's commitment to raising the status and standing of the commission within the Queensland community. Our continuing commitment saw the Industrial Relations Act 1999 amended in 2001 to strengthen the administrative capabilities of the commission by establishing the position of commissioner administrator. The position of commissioner administrator was created to manage the day-to-day administration of the commission, including assigning cases to commissioners and constituting a full bench of the commission.

The bill before the House strengthens and clarifies the administrative functions within the commission, consolidating the role with the commission vice-president. This consolidation will give the commission more authority and greater strength and flexibility to act quickly to help resolve emerging matters of dispute.

The consolidation reflects the government's determination to ensure that the commission effectively meets community expectations—expectations that are ever-changing and which reflect developing economic, social and market trends.

I turn now to the key features of the bill.

*Objects of the bill*

This bill will amend the Industrial Relations Act 1999 to introduce revised arrangements for the management and administration of the Queensland Industrial Relations Commission, including deleting reference to the commissioner administrator, allowing for the appointment of two deputy presidents, and placing the responsibility for the administration of the commission and the orderly and expeditious exercise of the commission's jurisdiction and powers with the vice-president; specify that the vice-president may establish panels for particular industries; specify that members of the commission are to comply with directions of the vice-president; specify that a full bench of the commission is to be constituted by at least three commissioners, including a presidential member; and clarify the authority to approve leave of absence for members of the commission.

I am pleased to say that the measures above that are contained within this Industrial Relations Amendment Bill 2002 will enhance the strength of the independent umpire by further improving the management and administration of the Queensland Industrial Relations Commission. This

development is in line with other industrial relations jurisdictions, including the New South Wales Industrial Relations Commission and the Australian Industrial Relations Commission.

#### *New structure of the Queensland Industrial Relations Commission*

This new structure will leave the role of the president unchanged; the president will continue to be president of both the Industrial Court of Queensland and the Queensland Industrial Relations Commission. However, the authority of the vice-president will be enhanced in relation to the Queensland Industrial Relations Commission because the vice-president will assume the current responsibilities of the commissioner administrator in relation to the management of the commission. Two new positions of deputy president will be created to assist the vice-president in the administration of the commission. It has become evident that the role of commissioner administrator lacked sufficient authority to effectively manage the administration of the commission. A clearly delineated hierarchy was missing within the commission to thereby enable the commissioner administrator to effectively carry out his responsibilities.

#### *Role of the vice-president*

In an effort to further enhance the day-to-day administration of the commission, the act will be amended to transfer these new administrative arrangements to the vice-president. Further, a new provision will be introduced to ensure that a commissioner must comply with a direction of the vice-president or deputy presidents. In recognising the importance of assigning certain matters to be heard and determined by a full bench of the commission, the vice-president will also be responsible for constituting full benches of the commission.

Full benches will continue to comprise at least three members of the commission. However, one of those members will now be required to be a presidential member—that is, the president, the vice-president or either of the two deputy presidents. Major test cases and policy matters are likely to be heard and determined by a full bench comprising presidential members.

#### *The Hawke Report of a Review of Enterprise Bargaining in the Queensland Public Sector*

The changes I have outlined follow on from the recommendations of the Hawke Report of a Review of Enterprise Bargaining in the Queensland Public Sector. I would like to inform honourable members of some of these recommendations and how the government is addressing them.

The former Prime Minister recommended that the government consider establishing a specialist public sector panel in the Queensland Industrial Relations Commission to hear and determine public sector industrial matters. In considering Mr Hawke's recommendation, the government has decided to enhance the operations of the Queensland Industrial Relations Commission by requiring the vice-president to assign an industry or group of industries to a panel of members. This may include one or more public sector panels.

Mr Hawke also recommended that the government implement a modified and structured bargaining system for departments and agencies with defined timelines for the negotiation, conciliation and arbitration of agreements, and that the government begin negotiations with public sector unions on the development of a 'code of good faith negotiations'.

I am pleased to inform the parliament that the government has been working productively with public sector unions to implement Mr Hawke's recommendation to further structure the bargaining process and develop a code of good faith negotiations. The discussions with unions have centred around the development of a protocol of good faith bargaining for the Queensland public sector which will establish the broad rules under which agreements are negotiated, including triggers for accessing conciliation and/or arbitration by the Queensland Industrial Relations Commission. Negotiations are continuing with public sector unions to finalise the protocol by the end of this year. Mr Hawke further recommended that the government establish formal and regular consultative mechanisms with public sector unions to maintain a regular dialogue to discuss broad industrial issues affecting the Queensland public sector. The government and public sector unions have agreed to meet on a regular basis at both the departmental level and at the central government level.

The proposed changes will ensure an improved Queensland Industrial Relations Commission by enhancing the management and effectiveness of the commission. The independent umpire will be even stronger. The government is confident that the new legislation is the right approach and will deliver positive outcomes for all participants in the Queensland industrial relations community. Taken as a whole, it provides a clear and principled management structure for a strong and independent Queensland Industrial Relations Commission that will assist the industrial parties to deliver fair outcomes for employers and employees while supporting the continued prosperity of this great state. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.