



Speech by

Hon. GORDON NUTTALL

MEMBER FOR SANDGATE

Hansard 27 November 2002

INDUSTRIAL RELATIONS AMENDMENT BILL

Hon. G. R. NUTTALL (Sandgate—ALP) (Minister for Industrial Relations) (5.56 p.m.), in reply: I thank all members for their contributions to the debate this afternoon. With reference to the comments of the honourable member for Nicklin, I point out that the two deputy presidents we will appoint will come from the existing commissioners. There are no jobs for the boys from outside; those people will be appointed out of the existing commissioners. I hope that allays the member's fears. Those people receive lifetime appointments. So they will come from within the commission. In view of the time, I seek the leave of the House to incorporate my reply in *Hansard*.

Leave granted.

I want to thank Members of the House for their support of this Bill this afternoon. As they have raised, these reforms are crucial for maintaining a strong, efficient and effective Industrial Relations Commission for Queensland workers and employers alike.

The changes proposed in the Industrial Relations Amendment Bill 2002, Mr Speaker, follow on from the recommendations of the Hawke Report of a Review of Enterprise Bargaining in the Queensland Public Sector, which 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;
- begin negotiations with public sector unions on the development of a 'code of good faith negotiations'; and
- establish a specialist public sector panel in the Queensland Industrial Relations Commission to hear and determine public sector industrial matters.

Mr Speaker, the Beattie Labor Government addressed a range of issues arising out of the *Hawke report of a review of enterprise bargaining in the Queensland public sector*.

As the Honourable Member for Keppel raised, the contribution of Bob Hawke has to be acknowledged; he identified a number of issues and suggested a range of measures, which the Government has worked through with public sector unions in a very constructive way.

The Government has been working productively with public sector unions to implement the first two of Mr Hawke's recommendations through a Protocol of Good Faith Bargaining for the Queensland Public Sector, which would establish the broad rules under which public sector enterprise agreements are negotiated, including 'triggers' for accessing conciliation and/or arbitration by the Queensland Industrial Relations Commission.

This is consistent with Bob Hawke's recommendation for a structured bargaining process—however, this has been achieved by agreement, not through legislative changes, as a result of the positive relationship between the Government and public sector unions.

Negotiations are continuing with public sector unions to finalise this Protocol by the end of this year. I am hopeful and confident that the Protocol will be finalised soon.

Mr Hawke also 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 to address issues of concern to either party.

In considering the Mr Hawke's third recommendation (that is, to establish a public sector panel in the Industrial Commission), the Government has taken a broader approach and decided to enhance the operations of the Commission by establishing a new management structure, and 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. The Government will not be involved in establishing the panels or assigning commissioners to panels.

The authority of the vice-president will be enhanced 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. Further, a new provision will be introduced to ensure that a commissioner must comply with a direction of the vice-president or deputy presidents.

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.

Each commissioner will continue to hear and determine industrial matters, and in this respect, they are not subject to the direction of the vice-president. The administrative functions of the vice-president include, but are not limited to, assigning industries or groups of industries to a panel of commissioners, allocating matters to members of the Commission, scheduling matters as appropriate for members, constituting full benches, ensuring matters are dealt with promptly and the general efficient performance of the Commission, the associates and the registry.

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 a deputy president.

The new structure of the Commission will reflect similar structures of the Australian Industrial Relations Commission and the New South Wales Industrial Commission.

The Bill before the House strengthens and clarifies the administrative functions within the Commission, consolidating the role with the Commission's vice-president, who will be assisted by two new positions of Deputy 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.

The new structure of the Commission will continue to function as the independent umpire in resolving industrial relations issues in Queensland.

Mr Speaker, an important outcome of the Government's approach to implementing the Hawke Report recommendations is that the Queensland Government has maintained a single industrial relations framework for both the public and private sectors, which will be enhanced through the allocation of a panel of industries to particular Commission members.

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.

This approach is in stark contrast to the Federal Government's attempts to emasculate the federal Industrial Relations Commission.

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.

Motion agreed to.