



Speech by

# Annastacia Palaszczuk

MEMBER FOR INALA

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## INDUSTRIAL RELATIONS ACT AND OTHER LEGISLATION AMENDMENT BILL

**Ms PALASZCZUK** (Inala—ALP) (5.10 pm): I rise to speak in support of the Industrial Relations Act and Other Legislation Amendment Bill. The bill before us includes amendments that establish a low-cost common law jurisdiction to deal with matters arising from a contract of employment. In dealing with the impact WorkChoices has on Queensland employees and their families, these amendments are vital if we are going to help those families most affected by WorkChoices.

The establishment of this jurisdiction is consistent with the Queensland government's policy to, as far as possible, protect Queensland employees from having their rights eroded or removed by WorkChoices. The Howard government's workplace legislation is having a huge impact on families not only in my electorate but throughout Queensland and Australia.

I noticed earlier that the member for Maroochydore mentioned that what is needed is a fair system. I assure the member for Maroochydore that what the Howard government has introduced is completely unfair and completely inequitable. I draw to the attention of members what the minister for industrial relations stated in his second reading speech. He stated—

The federal government's WorkChoices legislation threatens to undo over 100 years of justice and fairness in Australia's industrial relations sphere by giving employers greater leverage in negotiations with their employees.

He goes on to add—

That is why the Queensland government is presenting these amendments—to restore some balance for the state's workers and their families.

Just last year the Howard government abolished a position at the South-West Legal Service in my electorate of Inala which provided a much-needed legal service to employees who were affected by the Howard government legislation. I applaud the minister for establishing the Queensland Workplace Rights Office that will act as a one-stop shop utilising hotline and web site services, offering advice and information. This Workplace Rights Office will go some way towards assisting people who in the past would have sought advice from the South-West Legal Service.

I would now like to address part 6 of the bill which amends the Magistrates Courts Act 1921. The amendments to the Magistrates Courts Act will now set up a low-cost jurisdiction for workers earning less than \$98,200 a year who are seeking a remedy for breach of their contract of employment. The annual income threshold is consistent with the threshold for unfair dismissal claims that are currently heard before the Queensland Industrial Relations Commission. The new jurisdiction will not create any new legal rights or obligations.

The Magistrates Court already has jurisdiction to hear applications for breach of contract. However, the new jurisdiction will increase the accessibility of the court for low-income employees by reducing the cost of litigation. This was mentioned earlier by the member for Waterford and the member for Ashgrove. There will be lower filing fees and costs will be awarded only against vexatious applicants or parties who unreasonably cause costs to be incurred. This is consistent with cost orders in the commission.

This new jurisdiction will allow representation by industrial organisations which will also reduce costs for applicants and has historically resulted in less protracted proceedings than those involving lawyers or self-represented litigants. Disputes before the court will have to undergo compulsory conciliation before any hearing in recognition that employment disputes tend to be personal rather than commercial in nature.

The expertise of Queensland industrial commissioners will be utilised by enabling members of the commission to act as conciliators. Conciliation acts as a natural and effective filter of cases and will be less costly for the parties and the state than a full hearing. The Queensland Industrial Relations Commission resolves around 80 per cent of unfair dismissal cases by conciliation. The new court is not designed for employees who have access to the QIRC because the QIRC already provides an efficient and inexpensive process for resolving disputes between employers and employees.

I now turn to look at some of the matters that would be appropriately dealt with by this new jurisdiction. It will be able to enforce higher terms and conditions than those provided under a relevant award, agreement or legislated minimum as well as enforce additional terms and conditions to those provided under the award or agreement. Typical examples of terms that might be included in a contract of employment but not in an award or agreement are bonuses, fringe benefits such as discounts, travel and uniforms, the provision of specialised training and specific working arrangements such as telecommuting.

The court will also enforce terms implied into the contract of employment. The law implies a range of mutual obligations into the contract of employment which can be enforced at common law. These common law obligations include the employer's duty to pay an employee who is ready, willing and available to work and the employer's duty to give reasonable notice of termination. These amendments are fitting and fair. They are about helping workers. These amendments deserve the support of all members. I commend the bill to the House.