Speech by

Evan Moorhead

MEMBER FOR WATERFORD

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STATUTORY BODIES LEGISLATION AMENDMENT BILL

Mr MOORHEAD (Waterford—ALP) (2.47 pm): I rise to speak in support of this important bill. As a member who was elected only six months ago, it is great to be speaking again to legislation that is implementing the Beattie government's election commitments. The Statutory Bodies Legislation Amendment Bill will protect many workers in our public sector from the harsh and extreme WorkChoices legislation. With the sweeping changes of WorkChoices, many employees of state government authorities have been forced into the federal industrial relations regime. Why have these employees been swept up? Because in his grab for the state industrial relations system, which had much lower levels of disputation and stronger conditions and protections for workers, John Howard has had to attach the legislation to the corporation rather than employees.

I listened to the contribution made by the Deputy Leader of the National Party when she tried to make some point about the proposals put forward by Kevin Rudd. Frankly, my view is that it is not a question of who runs the system but how workers are protected within that system.

The Beattie government has made it quite clear that it is opposed to the WorkChoices legislation and its effect on employees, particularly the vulnerable in our society. I am delighted to see that the government, and particularly the minister for industrial relations, is leaving no stone unturned to defend workers in Queensland. Without this government, I am sure that those who oppose us would have already handed these public sector workers and their conditions over to John Howard and his WorkChoices regime.

This bill will see employees of public sector statutory authorities return to the strong and effective state jurisdiction; giving these employees the benefit of state awards acting as a strong and relevant safety net, state agreements providing negotiated flexibility for both employees and employers; an Industrial Relations Commission that provides speedy, inexpensive and effective resolution of disputes, and a broad opportunity to agree on working conditions and what it is the parties want included in their industrial relations framework.

The great irony of the WorkChoices legislation is that, while the federal government says it promotes flexibility, the Howard government has narrowly prescribed what employees and employers are actually allowed to agree upon. The idea of prohibited content is actually anathema to the idea of flexibility. For example, if the Queensland Museum agrees, as the full bench of the AIRC has found, that the training of workplace union representatives promotes effective dispute and grievance resolution, they are not allowed to provide for employees to receive training from their union in grievance resolution. If they were to agree to such a matter they would be fined $33,000.

The public sector is leading the way in the employment of women, particularly in senior and management roles. What this legislation will do is provide comfort for women in these public sector agencies that they have access to effective pay equity remedies to address any structural inequities in public sector employment conditions. One of the harsh effects of the nobbling of the Australian Industrial Relations Commission is to take what little is left of the pay equity jurisdiction away from the AIRC.

This bill before the House will ensure that the Queensland public sector will continue to be an employer of choice for Queensland women. In the debate over the WorkChoices reforms there have been

a lot of claims and counterclaims about the effect these changes have had on the working conditions of employees. But the federal government's own employment advocate, Peter McIllwain, told a Senate estimates committee in 2006 that when it came to Australian workplace agreements 64 per cent removed annual leave loading, 52 per cent removed shift allowances, 63 per cent removed all penalty rates, 40 per cent removed public holiday rates and 16 per cent did away with all award conditions altogether. These figures are a stark reminder that Queensland's vulnerable workers continue to suffer at the hands of the Howard government and these extreme WorkChoices changes.

But there are many other less known but equally as insidious and offensive changes in this package of reforms from which employees of public sector statutory authorities should be protected. I would like to consider but two of these in detail. The first is the unqualified and unchecked power of employers to terminate certified agreements that have protected hard fought and hard won working conditions. WorkChoices allows an employer to unilaterally issue a notice, wait for a specified period and then the employment conditions in the certified agreement disappear into thin air. In their place employees receive the fair pay and condition standard and a handful of protected award conditions.

What this means is that this legislation goes beyond the 'take it or leave it' approach to employment and allows the 'lose your conditions or leave' approach to industrial relations. While I would hope that no state government would use this power, its mere presence means that there is no balance in the negotiations for workplace conditions. Not only are employees made vulnerable in negotiations by WorkChoices; they are also restricted in their ability to access effective dispute resolution during the life of the workplace agreement.

Employment is an ongoing relationship of give and take. Workplace agreements and employment legislation cannot envisage every eventuality that may arise. But how do these issues, grievances and disputes get resolved under WorkChoices? Well, frankly, they do not unless the employer agrees. Effectively, the independent umpire has been nobbled. The changes in this bill will see that the flexible, efficient and speedy dispute resolution procedures of the Queensland Industrial Relations Commission and the Industrial Relations Act 1999 are available to public sector employees. In my experience in the Queensland industrial relations jurisdiction the QIRC would resolve most disputes with simple conciliation and generally within 48 hours of the commission being notified of a dispute.

This effective dispute resolution regime is what this bill provides to employees of the listed statutory authorities. But what would these employees face if they were left to the WorkChoices regime? What would happen if not for this bill? They would face a regime with no effective dispute resolution and an unfettered right to terminate workplace agreements.

The incapacity of the post WorkChoices Australian Industrial Relations Commission to resolve industrial disputes can be clearly seen in the ongoing Tristar case in New South Wales. The situation of Tristar employees should be clearly contrasted to the conditions which this bill provides to employees of statutory authorities in Queensland. Tristar, a car parts manufacturer based in Marrickville, New South Wales, has been winding down its operations since about 2005, taking their operations to China and India. All but a core group of 35 workers have been made redundant over this period.

The workers' previous certified agreement negotiated by the Australian Manufacturing Workers Union and the Australian Workers Union provided severance payments of four weeks' pay per year of service. Some workers have been with Tristar for over 40 years, equating to a redundancy entitlement of more than three years' pay. This redundancy package was how Tristar had resolved an ongoing claim from employees who were worried about the security of their entitlements.

In January 2007 the Australian Industrial Relations Commission granted an application by Tristar to terminate a certified agreement. Until amendments were made to the WorkChoices regulations in December 2006 this would have meant that employees lost their redundancy entitlements under the certified agreements. But what employees were given is merely a stay of execution. Because of the amendments, which were partly in response to the Tristar controversy, the workers retained their redundancy entitlements for 12 months after the termination of the agreement. At the expiration of this period, which is 6 February 2008, WorkChoices provides that the redundancy entitlements are restricted to a maximum of 12 weeks' pay compared to the potential 160 weeks' pay under the other package.

WorkChoices and previous federal government workplace relations legislation has determined that over-award redundancy benefits are not a matter that can be resolved by arbitration involving the AIRC. So what is Tristar doing? Tristar has not provided its remaining workforce of largely long-serving mature age male workers with any meaningful work but it refuses to make the employees redundant. One can only assume that Tristar intends to maintain this arrangement until February 2008 when it will only be required to pay 12 weeks' salary rather than the current entitlement of four weeks' pay per year of service.

After political pressure was brought to bear the Office of Workplace Services has commenced an action in the Federal Court against Tristar seeking the payment of employees' redundancy entitlements. This is a lengthy and expensive legal process—one that would not be necessary in Queensland's state jurisdiction where the commission would be able to resolve this dispute quickly. By requiring workers to

attend and go through the Federal Court process these claims for lawful entitlements have been put beyond the reach of the ordinary worker.

The Industrial Relations Act 1999 gives the QIRC the power to resolve these disputes, including disputes about redundancy payments without legal technicalities, delay or expense. If public sector employees were to remain in the WorkChoices regime, parties to negotiations or disputes could not be required to submit to conciliation and, if needed, arbitration. In resolving a dispute the Queensland commission can take the steps it considers appropriate for the prompt settlement of the dispute. This is in stark comparison to WorkChoices where the AIRC has no power to issue binding orders on either party to the dispute.

It is this lack of effective dispute resolution that only supports this move to protect workers in these statutory authorities from the WorkChoices regime. This bill will provide protection for both employees and employers through effective and inexpensive dispute resolution. I am proud to support this bill which supports balanced and fair employment conditions and balanced and fair industrial relations for employees of public sector authorities. I congratulate the minister on bringing this bill before the House in accordance with the government's election commitments. I commend the bill to the House.