Speech by

Evan Moorhead

MEMBER FOR WATERFORD

Hansard Tuesday, 22 May 2007

INDUSTRIAL RELATIONS ACT AND OTHER LEGISLATION AMENDMENT BILL

Mr MOORHEAD (Waterford—ALP) (4.04 pm): It is with great pleasure that I rise to support the Industrial Relations Act and Other Legislation Amendment Bill 2007. This bill proposes a suite of changes that will ensure that Queensland's legislative framework for industrial relations is providing a fair go for Queensland employees and employers in an ever changing legislative environment. Frankly, I do not know how the minister keeps up with all of the changes from the federal government to its workplace relations legislation.

Mrs Sullivan: They have a lot of deviation in their policies.

Mr MOORHEAD: I accept that interjection from the member for Pumicestone. On 27 March 2006, the WorkChoices extreme and radical laws became operative. Even though they were intended to make it hard for working people, the federal government has had to make more and more regulations and amendments because the laws had extreme consequences, beyond what they had even planned themselves. The minister should be congratulated on the introduction of this important bill before the House.

This bill will ensure that this state government does all it can to protect Queenslanders from the onslaught of the extreme workplace laws of the Howard government. This bill proposes some procedural changes to ensure that the Industrial Relations Act 1999 continues to provide the effective dispute resolution processes that it has since its introduction. This bill will ensure that the ability of the QIRC to certify a purported agreement is dependent not on the technicality of signing an agreement but rather on whether an agreement was actually reached. This approach was taken by the AIRC prior to the 2006 introduction of WorkChoices and is a sensible approach. Industrial relations is an environment where trust and integrity are important. It is important that the implementation of an agreement is not held up by one party trying to back out of a deal.

New chapter 8A in the Industrial Relations Act will introduce for the first time a Queensland Workplace Rights Office and the Queensland Workplace Rights Ombudsman. The establishment of the Queensland Workplace Rights Office will ensure that employers and employees can access a one-stop shop offering advice, information and support for fair industrial relations practices. This will assist employees and employers, particularly small to medium employers, who have to wrangle with the legalistic nightmare of WorkChoices. I find it difficult to fathom how any member of this House could not support such a move.

The Queensland Workplace Rights Office will have two main functions. Firstly, the office will facilitate and encourage the fair treatment of workers in Queensland. Secondly, it will provide advice to the minister on strategies to mitigate the negative effects of WorkChoices. It will do this by providing information to employees and employers on federal and state industrial relations laws, investigating unlawful, unfair or

inappropriate employment practices and reporting on any findings. The Workplace Rights Office will also be able to bring these findings into the public arena.

As well, the Queensland Workplace Rights Office will refer cases of unlawful work practices to appropriate authorities, advise on ways to improve protections for vulnerable workers and promote best practice in industrial relations. These are fair and balanced objectives. No-one in their right mind could say otherwise. Compare this to the federal government's sham fairness test for AWAs where employees can still lose pay and conditions.

The Queensland Workplace Rights Office will be an important source for advice to the Queensland government on how best to continue to minimise the negative effects of WorkChoices. The QWRO, as a result of its investigations, will be in a strong position to provide advice on strategies to promote fair and equitable industrial relations and work practices in Queensland.

The information will be even more important because the federal government is unwilling to provide a transparent assessment of the impact of WorkChoices on workers and their families. We know this because when the Office of the Employment Advocate reported its findings of a survey of 250 AWAs in May 2006 the federal government was embarrassed at being exposed and, as a consequence, the employment advocate has decided against any further sampling of this sort. The survey of the 250 Australian workplace agreements demonstrated that AWAs are a useful tool to strip away award conditions. One hundred per cent excluded at least one protected award condition such as rest breaks, overtime, annual leave loading and allowances, 64 per cent removed leave loadings, 63 per cent removed penalty rates, 52 per cent removed shiftwork loadings and 40 per cent removed payment for gazetted public holidays.

What is needed in this debate is real information and a real balance because the federal government's WorkChoices 'Protected by law' advertising campaign was purely and simply a con job. Now we have seen the word 'WorkChoices' removed from the latest taxpayer funded propaganda campaign.

It does not matter what one calls it; the laws are still unfair. The simple fact is that the federal government's workplace bodies—the Office of Workplace Services, the Office of the Employment Advocate or the Workplace Authority—cannot be relied upon to assist or report on the impact of WorkChoices on employees. One has to wonder why an open and accountable system has been ripped away in place of a secret regime that encourages secret negotiations, individual contracts that never see the light of day and a totally inept information system that even has employers up in arms over its inefficiencies. The state's own Wageline service, highly regarded by employers and employees alike, has had to carry the slack at added cost for the bungling of John Howard and his inept ministers. I understand that the minister has written to Minister Hockey seeking compensation for the extra work Queensland government infoline staff are being burdened with thanks to the pathetic service coming out of Canberra.

This is a reasonable request. If employees and employers are coming to the Queensland government to get information they cannot otherwise get from the federal government, then let the Prime Minister or Minister Hockey foot the bill—not Queensland taxpayers. Joe Hockey has abdicated his responsibilities to Queensland employees. The fact is that the Howard government owes the Queensland government $243,000 for services provided to employees and employers on federal industrial relations matters arising under WorkChoices. The Queensland Department of Employment and Industrial Relations, under contract from the Commonwealth until 30 June 2006, had provided information and compliance services on federal legislation and industrial instruments to employers and employees covered by the Workplace Relations Act.

The farcical situation now exists where many of the customers calling the Wageline and Fair Go Queensland services seeking information on WorkChoices have actually been referred by the federal government's own WorkChoices infoline staff. Other employers and employees prefer to contact the Queensland government, and who could blame them! The state government service is more efficient and has more information on the federal government's own laws than its own infoline. Since 1 July 2006 when the Queensland government was no longer contracted to provide a service to federal industrial relations customers, the Queensland government has serviced more than 48,000 callers seeking information and advice on federal matters at a cost of $243,000 to Queensland taxpayers. The Queensland government has carried the burden for Joe Hockey and John Howard for long enough. They should put their money where their mouth is, because employees and employers in this state deserve a fair go and a fair amount of information about what is actually going on.

I now want to move to some of the other important elements of this legislation. This bill will also provide access to justice for employees on incomes of less than $98,200 per year by establishing a low-cost procedure for the Magistrates Court to resolve claims relating to breach of contract of employment. This is particularly important, because for most employees important terms of their employment conditions such as their rate of pay are determined by a contract. Since 1996 when the Howard government changed awards from fair conditions to safety net conditions, award rates of pay have become less and less relevant to most workers. Indeed, award rates of pay are becoming relevant only for the lowest paid.

One would have to look hard to find a fitter or a boilermaker who is working for the award rate of pay—$15.93 an hour. So many workers have their rate of pay determined by overaward payments in a contract of employment because the award rate of pay has been left to wither by the Howard government. This reform will give employees an opportunity to pursue claims where agreed conditions have not been complied with. As well, it will provide employees with an opportunity to pursue claims for the wrongful termination of their contract of employment.

The bill also proposes to provide protection to that group who are most vulnerable in the workplace—young workers, particularly those looking for their first job. These reforms will ensure that children—those young people under 18 years of age—will now have protection from unfair and unlawful dismissal as well as a no disadvantage test against the employment conditions set by the independent Queensland Industrial Relations Commission. This will ensure that Queensland's young people are given a fair go and an opportunity to enter the workplace on a fair footing.

The bill will also empower the QIRC to resolve disputes where the parties have agreed to seek the assistance of the QIRC. The reality of the Workplace Relations Act since 27 March 2006 is that part 13 of the WorkChoices legislation does more to prevent dispute resolution and access to the AIRC even where both parties agree. This amendment will ensure that parties can continue to take advantage of the QIRC to resolve disputes, particularly in respect of unregistered industrial agreements which are a common feature of many industries in Queensland. This is a great piece of legislation to protect employers and employees from the WorkChoices legislation as far as is humanly possible by the Queensland government. I congratulate the minister for this legislation and commend the bill to the House.