



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Wednesday, 22 August 2007

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (Deputy Leader of the Opposition) (4.05 pm): The Justice and Other Legislation Amendment Bill 2007 is an omnibus bill. It covers a large number of pieces of legislation. As has been indicated by the shadow Attorney-General, there are some amendments that we are not opposed to. However, there are a number of amendments that have been slapped together in this bill which are quite controversial, and thus it is inappropriate in the first instance to have them included in an omnibus bill. Due to our concerns over a number of pieces of amending legislation, we will be voting against this.

I want to draw the attention of members to the amendments to the Anti-Discrimination Act 1991 and particularly clauses 5, 6 and 7. This has go-away money written all over it. This is about putting an extra layer of red tape onto business but particularly small business. Big business have their HR departments and extensive systems in place to be able to deal with complicated IR laws, but small business often finds themselves the meat in the sandwich. They are the ones who end up paying go-away money for claims which in due course in other jurisdictions would be knocked out.

We know from the Anti-Discrimination Commission that for many businesses against which a claim is brought, and which would not stand in law, the time it takes to deal with those issues often means people make a judgement based upon whether they can afford the time out of their business to go and uphold what is right. Many times they say, 'We just don't have the money to be dragged into a commission to defend ourselves.' They pay the go-away money. The claim may not be worthy but the business makes that pragmatic decision.

This particular provision in this omnibus bill gives an additional jurisdiction for people who have a complaint about whether they are engaging in trade union activity in the workforce or pre work areas. There is already protection in the Industrial Relations Act 1999 that covers workers, but this amendment will extend jurisdiction for workers who may already be covered by the IR Act 1999 and will also give them coverage with the Anti-Discrimination Commission. Let me provide some background as to why I am concerned about an extension of jurisdiction when there is already jurisdictional coverage under the IR Act 1999.

An extension of coverage will mean there will be a double-up in the arenas where these issues can be heard. That is a negative for businesses as it will mean more red tape, and I believe it is a negative for workers, particularly coworkers, for whom employers when making choices about who is employed in the future might just say, 'Why bother?' If the government lumps small businesses with too much red tape and double jurisdictional coverage of issues they might just say, 'Why bother?' and walk away. But the go-away money is a very real concern. I know of good small businesspeople—not the big end of town with lots of HR consultants to run around for them—who say they pay the go-away money because they cannot afford the time out of their business.

It really is a tool of harassment when there is double jurisdictional coverage for people who have a complaint. What is proposed in this legislation is double jurisdictional coverage. That is just so unfair. In my electorate one business is finding that they are being harassed by whatever means possible because they

stood up to the unions in the area. They were threatened with paying go-away money if they did not sign the code of conduct for their business. They are a clothing manufacturer. They do not manufacture in China or Fiji; they manufacture in Australia. They believe that the code of conduct that the unions wanted them to sign up to would have limited the rights of their workers. It certainly would be an entree for the unions into their workforce. The workers were paid \$30 an hour and more.

Ms Barry interjected.

Miss SIMPSON: Maybe Bonny Barry thinks that \$30 an hour is slave labour. We have people doing the right thing, not outsourcing to Fiji, not putting formaldehyde on their clothes like the Chinese imports have and trying to operate their business here. They had a claim lodged against them in the courts but the union said that it would drop the claim against them if they paid \$2,000 and signed the code of conduct—in other words, pay go-away money to the union. It is documented.

Ms Barry: It is mythology; it is rubbish.

Miss SIMPSON: With respect, the member for Aspley has no idea. She might be happy to have formaldehyde on clothes from China coming into our schools because the education department does not care whether it has people outsourcing to China and other countries. Those opposite do not care about that. Good people who are paying their workers \$30 an hour and who are doing the right thing by their workers and who do not want to be beholden to paying go-away money to unions could face going out of business. It is because of the harassment of the union hacks who sit on the other side of the chamber. They do not want to see decent people who want to choose whether or not to belong to a union to continue to have that choice.

There is a real problem when businesses are doing the right thing and paying way above the market rate but workers who want to work for these businesses will have that work stripped away from them because of the harassment of the union hacks who have lost their union coverage in a number of private workplaces because of the federal law. They are looking for every way to wind red tape around businesses. They are doing it incrementally. They are winding the red tape around businesses.

What will the result be? We will see more clothes made in China and Fiji and not made by good, decent, hardworking Australians who have actually chosen to be paid \$30 an hour or more. Obviously, they will not have that choice of employment because this government wants unions to be able to force people to pay go-away money. This provision before the House is very much about more of the same. It is another way of having people pay go-away money because they have double jurisdictional coverage. There is coverage not just under the IR laws of 1999 but also now under the anti-discrimination laws.

We believe that there should be ways of protecting workers, but we have a real problem with union thugs who ask for go-away money. It was \$2,000 in the case of this particular business, and that is well documented and the information has been tabled in the House—it is actually in a statutory declaration. Interestingly, when that union was exposed it dropped that claim for \$2,000 in go-away money and went away temporarily. It came back via a back door. The union was trying to put this company out of business if they did not sign up to the code of conduct.

What a shame that there is no provision under this government's legislation to stop schools actually importing their clothes from China, Fiji or other places that are not covered by these controls. Yet people who are actually doing the right thing but who do not want to be controlled by the union hacks are finding that they could go out of business.

There should be freedom of choice and freedom to either belong or not belong to unions. There should be the freedom for people to choose to take on a job that is paid at a higher rate but one that is not necessarily subject to union control. There are people who actually have information about union thugs trying to get them to pay go-away money. I am most concerned that the amendments to the Anti-Discrimination Act contained in this legislation double the jurisdictional coverage and that that is just another harassment tool.

More than 70 per cent of the federal Labor Party's frontbench are union hacks, people who have held significant office. It is clear to me that this new elite class of people have never been blue-collar workers; they have only worked in union offices.

Mr SHINE: I rise to a point of order, Mr Deputy Speaker. Most of what the honourable member has been saying is totally irrelevant to the small provision amending the Anti-Discrimination Act. I would ask that you direct the member to make her remarks relevant to the bill before the House.

Mr DEPUTY SPEAKER (Mr Moorhead): Order! Member for Maroochydore, I have been giving you wide latitude. Obviously, you know that you need to make sure that your comments are relevant to the provisions of the bill.

Miss SIMPSON: I realise that probably 54 per cent or 55 per cent of state Labor members were union hacks. They are not at the level of 70 per cent like their federal counterparts. There is a strong correlation. I was a union member myself. I believe that people have the right to belong or not belong to a union. I do not believe that union hacks who do backroom deals and have businesses pay go-away money are, in fact, upholding the rights of workers. What they are doing is upholding the belief that union officials are able to bludgeon people. I predict that this legislation is just another tool of harassment. It is not a genuine tool to provide protection for people where they require it.

Let us strip bare all the hypocrisy of the Labor Party which says it is about the workers. Most of them would not have tried a blue-collar job in their lives and have worked in offices more than anybody else. What we see is a situation where people who do want to work and who do want to have those choices and who might even decide to set up a small business for themselves are faced with an additional layer of red tape which will be an impediment to them going on and employing other people into the future.

I raise these concerns because I have seen the way they have operated already. I have seen the way they can potentially put good people out of business. They are not sweatshops and they are doing the right thing. That situation is well documented. The situation concerning the business I refer to is well documented. They had to pay the go-away money to the unions. When they stood up to them the unions then dropped the claim against them. Now we have more legislation before the parliament.

Mr SHINE: I rise to a point of order, Mr Deputy Speaker. Not only is the honourable member being irrelevant; she is also being repetitive. I ask you to rule on that.

Mr DEPUTY SPEAKER: Order! I call the member for Maroochydore.

Miss SIMPSON: What I do not want to see is a situation where every sitting of parliament another piece of legislation is brought in to frustrate people's right to choose whether or not they belong to a union. This morning the industrial relations minister would not answer a question about what the sleazy deal was with the union movement. The unions have laid down and gone quiet over the forced council amalgamations. The pay off is that they want to have greater market—

Mr DEPUTY SPEAKER: Order! Member for Maroochydore, I ask you to return to the provisions of the bill.

Miss SIMPSON: I have no problem in saying in closing that our concerns will stand. The minister responsible for small business did not even know the definition of a small business. This is a government that did not even go to the last election with a clearly stated small business policy. We believe it is a fundamental right of people to have the opportunity, if they want to, to go into business for themselves. Many of those people start out working for other people. Why would they not want to have an opportunity to be masters of their destiny, to be able to put capital into their own business and to know that when they do they will manage the risks and do the right thing by those they will employ in the future.

Mr SHINE: I rise to a point of order, Mr Deputy Speaker. Anyone listening to this debate would gather no connection whatsoever to the subject matter of the Justice and Other Legislation Amendment Bill. The honourable member is talking about small business and a whole range of other matters that are totally irrelevant. She has refused absolutely to follow your directions on three occasions.

Mr DEPUTY SPEAKER: Order! Member for Maroochydore, I understand that you have said that your comments are in closing. I accept you are summing up. Please return to the content of the bill.

Miss SIMPSON: Thank you, Mr Deputy Speaker. Obviously the minister has no idea of the impacts on small businesses. My portfolio responsibility covers small business, but this legislative provision has a direct impact upon them. If this minister has no idea about that—like the industrial relations minister has no idea—I guess it is a case in point that this government does not care about the aspirational hopes of people who want to enter into business for themselves knowing that the red-tape hand of this government will not be reaching in and tying them up and limiting their opportunities.

This Labor government has no interest in small businesses in this state despite the fact that they employ about 88 per cent of our community. They may not be highly unionised, but people should have the right of choice, and that is why we raised concerns about this tool of harassment. It is not going to be used to protect workers; rather, it is in fact going to double the jurisdictional coverage because this was already covered by the 1999 IR legislation. That is why we will be opposing this provision.