Speech by

Gary Fenlon

MEMBER FOR GREENSLOPES

Hansard Wednesday, 18 April 2007

STATUTORY BODIES LEGISLATION AMENDMENT BILL

Mr FENLON (Greenslopes—ALP) (3.26 pm): I rise to speak in support of the Statutory Bodies Legislation Amendment Bill. In doing so it is worth looking at the historical background against which this piece of legislation has been introduced and is being debated. In the 1970s the world generally was facing an economic turnaround and economies throughout the world were going through a process of realigning and readjusting themselves in various ways, especially via micro- and macro-economic reform. A good point of reference is the period of the Fraser government which was really the starting point of those international trends. If we look at the period of the Fraser government, we find that the sort of economic reform that occurred then was practically nonexistent. If we simply compare Australia to New Zealand during that time, we can see that even New Zealand was well in front of Australia.

If we look at the period of the Hawke and Keating governments that then ensued, we can see that the level of micro-economic reform was astounding. If we catalogue the specific examples of micro-economic reform that swept Australia, especially in the industrial relations setting, it is astounding that it was achieved in that time and achieved with the relatively smooth implementation that occurred. For example, we saw mass amalgamations of trade unions in order to make workplaces more efficient, to avoid demarcation disputes et cetera. We saw various forms of new wage fixation introduced. I would have suspected that those reforms could not have been done even under a Labor government in this country. But it was a Labor government that was able to bring about the consensus, especially during the Hawke period, for the common good of the country in relation to all parts of the economy, especially where there might have otherwise been historically contradictory views. Employers and employees came together over the years to bring about significant economic reforms.

Then came the Howard years and what have we seen? The Howard government has relied upon the benefits of those micro-economic reforms. It has rested on its laurels and benefited politically from the Hawke-Keating years. We have been reaping the real economic benefits of the very significant micro- and macro-economic reforms that the Hawke and Keating governments put in place.

Until the WorkChoices legislation was introduced federally, the Howard government had made practically no attempt to keep up with micro-economic reform in this area. Indeed, we should recognise that industrial relations should not have stood still after the Hawke and Keating governments. We should have been progressively introducing further reforms.

Micro-economic reforms in industrial relations were not pursued by the Howard government until the WorkChoices legislation emerged. We were told—and I can recall the significant spending on advertising at that time—that the rationale for the legislation was that the system was too complicated and it had to be simplified. What did we get? Legislation that is unreadable and unworkable! Industrial relations practitioners on both sides, employees and employers all say that the telephone book size legislation is very difficult to work with. Even when employers act with the best of intentions, the legislation is very hard to comply with. It is difficult for employers to understand what their obligations are and to go about their businesses while complying with the legislation.

The WorkChoices legislation has been a dismal failure in the sense that it has no continuity with previous reforms, it has been introduced under false pretences and it has failed the fundamental tenets of

Australian industrial relations laws, which aim to find a balance in employer and employee relations such as we in this state have relied on so successfully since federation. The legislation has failed to recognise its precedents and it has taken advantage of the goodwill that has been built up over previous years. WorkChoices is a disastrous piece of legislation that is simply unfair and is too complicated.

This week, Kevin Rudd made a speech in which he referred to the need for legislation to be fair and simple. Those two words will echo in the ears of all Australians for the rest of this year. I believe that that is essentially what a future federal Labor government will introduce.

The legislation before the House tries to redress some issues in terms of fairness. As a Labor government, we unashamedly reject the WorkChoices legislation and its unfairness. We will do anything we can to address that unfairness. This legislation goes some way to doing that to the best of our ability, apropos the application of that legislation to government employees, particularly those who fall under statutory bodies.

I wish to refer specifically to how that affects the issue of unfair dismissal. Under WorkChoices, employees in an organisation with fewer than 100 employees are unable to seek a remedy if they have been unfairly dismissed. Indeed, there are many examples, but one from my electorate stands out.

On 5 April 2006, an employee was dismissed after almost 10 years of service as an office manager in a southside Brisbane suburb. The employer cited misconduct as the reason for the dismissal and refused to pay long service leave. A few weeks prior to the dismissal, the employee's boss allegedly told staff that, under the new laws, he could sack people if he did not like them. Obviously, a little calculation would have come into play on that one in terms of avoidance of required payments to that employee.

A government member interjected.

Mr FENLON: I take that interjection. Such acts are disgusting and abhorrent to all Australians with a sense of fairness.

The fact is that employees working for employers who employ fewer than 100 workers have much reduced job security and are far more open to exploitation by unscrupulous employers. As many businesses in Queensland employ less than 100 employees, thousands of Queensland employees will now be exposed to these laws and will be left without an avenue of appeal if treated unfairly.

The Industrial Relations Act 1999 protects all Queensland employees who are paid less than a prescribed annual salary rate from potential unfair dismissals, regardless of the number of employees employed in an organisation. Unfair dismissal not only refers to termination for insufficient or no reason but also to procedural fairness in the dismissal process relating to being notified of the reasons for the dismissal and being given an opportunity to respond to any allegations made. This means that employees subject to WorkChoices could also be denied natural justice when unfairly dismissed. Returning employees of statutory bodies to the state jurisdiction will ensure that they will be protected from such harsh laws.

This is important legislation because it recognises this parliament's abhorrence of the federal laws. It recognises this parliament's desire to reflect the needs of the wider community, and its demand for a simple and fair industrial relations system in this country. Indeed, it recognises our desire to re-establish in our legislation the sense of a fair go. We want to build on the goodwill that has been growing since federation over 100 years ago, when industrial relations were practised at a federal level in this country and, indeed, that has been growing in state jurisdictions since before that time. We have a long way to go to reinstate that goodwill, given the abhorrent legislation that has been enacted federally. The legislation before the House goes some way to recognising our position in relation to those laws. I commend the bill to the House.