



Speech by

## Stirling Hinchliffe

MEMBER FOR STAFFORD

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### INDUSTRIAL RELATIONS ACT AND OTHER LEGISLATION AMENDMENT BILL

**Mr HINCHLIFFE** (Stafford—ALP) (5.45 pm): I am pleased to rise to speak in support of the Industrial Relations Act and Other Legislation Amendment Bill. Indeed, I support the minister in his efforts to protect Queensland working families. The reason we are here today debating this bill is that the minister and the Queensland government were forced to act to try to stem some of the damage being inflicted upon workers in this state by WorkChoices. Let us look at who benefits from WorkChoices. I will be using that phrase that has been disowned by its parents, the Liberals and the Nationals. Let us also look at who does not benefit from WorkChoices.

WorkChoices is a federal system based on the corporations power that aims to cover all constitutional corporations. Employers who are constitutional corporations and who currently operate in the state system have a three-year transitional period in which their current state awards and/or agreements will continue to apply. Employers who are not constitutional corporations but who are currently in the federal system by virtue of the conciliation and arbitration power will have a transitional period of up to five years to incorporate or move to the state system. The federal law means that the state laws will no longer apply to employees in the federal system, with the only exceptions being those state laws that the federal government permits to operate.

The federal government's WorkChoices legislation is undoing over 100 years of justice and fairness in Australia's industrial relations system by giving employers unfair leverage in negotiations with their employees. Members of the community across this state—and I know very much in my own community—are very concerned about the impact of WorkChoices. They are people from a whole range of backgrounds who are concerned about it, not necessarily because they are workers who are experiencing the pressures from that unfair leverage of which I spoke a moment ago, but they are concerned for their families. It is the grandparents of young people coming into the workforce for the first time who are gravely concerned about WorkChoices.

All of this is a key issue behind the Howard government's polling performance that I know members in this place take a keen interest in. The Howard government is indeed, I think, the first true Tory government for almost two generations. That is the case because they have the majority in the Senate—the green light that gave them the opportunity to pass this very unfair legislation, and I think it is equally going to be their undoing.

Members like me who have an interest in the history of our nation will recall that in 1929 there was a previous Prime Minister of Australia, Stanley Melbourne Bruce, who proposed changes to the industrial relations system to remove the role of an independent arbiter to give an unfair leverage to employers. Stanley Melbourne Bruce lost his own seat of Flinders.

**Mr Wallace:** Howard will lose Bennelong!

**Mr HINCHLIFFE:** Indeed. I take that interjection from the honourable the minister. I think the Prime Minister will be in grave trouble in Bennelong. This coming week in my own federal electorate of Petrie,

Maxine McKew, the Labor candidate for the seat of Bennelong, will be there with her fellow Redcliffe girl done good, Yvette D'Ath, the Labor candidate for Petrie, to meet with people in the community who are indeed very concerned about these issues.

Until WorkChoices, Queensland employers were free to choose between the federal and the state system. Overwhelmingly, some 70 per cent of businesses chose to use the Queensland industrial relations system to manage their work force and set wages and conditions. Employees were also able to negotiate their wages and conditions collectively or as individuals. While some chose individual agreements, the majority negotiated collective agreements with their employers. The result has been strong economic growth and social justice for all employers and employees, which has benefited the whole of Queensland.

However, all this changed on 27 March 2005 with the introduction of WorkChoices. Literally overnight, more than 500,000 Queensland employees were moved into the federal jurisdiction. That is approximately 30 per cent of the employees of all businesses. Consequently, those workers were no longer afforded the protections of the Queensland system—for example, unfair dismissal protections, a strong set of awards and the application of the very important no-disadvantage test, something to which some people are late converts. Furthermore, WorkChoices lets individual agreements override collective agreements.

In June last year, the Queensland Industrial Relations Commission was asked to hold an inquiry into the impact of WorkChoices on Queensland workplaces. Some of the issues raised include concerns over changes in unfair dismissal provisions, literacy problems amongst employees resulting in a lack of understanding of the content in the individual contracts or Australian workplace agreements that have been put before them, and the removal of a choice for incorporated businesses that previously chose to operate in the state system.

It really comes down to the concept of the leverage that is given to employers, which explains why some big businesses are desperate to retain WorkChoices. It explains why, through a whole range of amazing campaigns and suggestions, they are desperately trying to convince people that the mining industry will fall over if there is not some sort of confirmation of WorkChoices arrangements and if the Howard government and its failed policy in this regard is not retained. We can see the desperation of some of those people in their pursuit of that course of action, yet the reality is that across the whole of the business community in Queensland some 70 per cent of employers were quite happy to be within the state system when they could choose to do so.

Further, the complexities of WorkChoices have been compounding for smaller businesses that do not employ human resource personnel, leaving employers and employees confused about the whole situation. The federal government's answer to that was the federal Office of Workplace Services, but this organisation has failed to appropriately advise employees of their rights, despite those workers having an obvious prime facie case for unlawful dismissal. There have been examples of employees seeking advice from the OWS about unlawful dismissal cases and being discouraged from pursuing those cases because of the cost factors and the complexity of the WorkChoices legislation. The federal government's own advocates are telling that story.

Overall, the inquiry found that the major areas of concern were for the removal of unfair dismissal laws, confusion over what constitutes unlawful dismissal and unfair dismissal, and the reduction of wages and entitlements through the use of those individual agreements. As a result of its findings, the inquiry recommended the establishment of a Workplace Rights Office, a one-stop shop service to assist employees and employers to negotiate the complexities that is WorkChoices. That is what we are doing today. I applaud the minister for bringing into the House the implementation of the recommendations of the independent umpire, the Queensland Industrial Relations Commission.

There can be no doubt that the Queensland government remains committed to facilitating and encouraging the fair treatment of all workers. Despite over 500,000 workers being moved into the federal jurisdiction, the government believes that those workers should still have access to full and frank information and advice, which will be provided through the Queensland Workplace Rights Office and the ombudsman, to ensure fair treatment for all Queensland workers.

The government has already shown its support for workers and their families by opposing WorkChoices. It is interesting that we now see the Prime Minister warning of an electoral annihilation of the coalition. He is concerned about it. Only a couple of hours ago he said that he knows that they are under complete pressure. That comes back to this issue, which has been the main concern of people in the Australian community. I know that all Queenslanders, including the people in my electorate of Stafford, have been very concerned about it.

As I have said, this has happened because the Howard government, which has the numbers in the Senate, has formed the first true Tory government that this country has seen for a very long time. The federal government has been able to bring in what it has always wanted, and look where it has found itself! The Australian people are set to reject it. I am pleased that the Queensland government has been part of

rejecting WorkChoices and ensuring that Queenslanders know the worst elements of it. We have an opportunity to try to ameliorate the worst impacts of WorkChoices through the operation of this legislation.

This legislation gives all Queensland workers and their families a helping hand in fighting off the worst of Canberra's assault, the worst of the assault by the true Tory government that John Howard has been leading. I commend the bill to the House and I thank the minister for bringing it forward.