



Speech by

## Andrew Powell

MEMBER FOR GLASS HOUSE

Hansard Tuesday, 2 June 2009

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### INDUSTRIAL RELATIONS AMENDMENT BILL

**Mr POWELL** (Glass House—LNP) (6.14 pm): I rise to add to the debate this evening on the Industrial Relations Amendment Bill 2009. My understanding is that the bill amends the Industrial Relations Act 1999, and this act provides the powers and structure of the Queensland Industrial Relations Commission and the Industrial Relations Court. As the explanatory notes outline, the primary purpose of the bill is to clarify the roles of the president and the vice-president of the QIRC. In doing such, it aims to remove ongoing confusion about their respective roles and responsibilities with regard to the administration of the commission. The explanatory notes go on to highlight that the bill will ensure that the head of the state tribunal has the authority to deal with matters of interjurisdictional cooperation and make arrangements about the utilisation of state tribunals with the head of the Commonwealth Industrial Relations Tribunal.

If I can dwell for a moment on one of the policy objectives of the bill, specifically that of removing any impediments to the QIRC's ability to cooperate with the Australian Industrial Relations Commission and Fair Work Australia. Whilst the concept of aligning state and Commonwealth IR commissions is commendable, as others have raised, it is really only a hypothetical exercise at present, with the current Prime Minister making no specific commitment to a national IR system to date, as acknowledged by the minister himself in his second reading speech.

Another objective of the bill is to strengthen the administration of the QIRC by removing some ongoing confusion associated with the president and vice-president having various administrative responsibilities. Like the Deputy Leader of the Opposition and others before me, I find it fascinating that this clarification is required because of the current government's own amendments in 2002. Those amendments put forward by then Minister Gordon Nuttall were all about giving the vice-president the responsibility for the administration of the commission and the orderly and expeditious exercise of the commission's jurisdiction and powers. Those amendments were said to be required to improve the operations of the QIRC, yet seven years later the same government is amending those previous amendments to remove the ambiguity and confusion created—yet another example of the inability of this government to get anything right.

I do note that the bill outlines the functions of the president in that it states—

The president is responsible for ensuring that the court, the commission and the registry perform their functions and exercise their powers in a way that—

- (a) is efficient; and
- (b) adequately serves the needs of employers and employees throughout Queensland.

As the member for Glass House, which is home to 80 per cent of Queensland's pineapple production and 70 per cent of Queensland's strawberry production, it is my hope that the QIRC's federal equivalent takes a similar approach to its powers when considering the submissions made recently by the Horticulture Australia Council and the Queensland Strawberry Growers Association with regard to the proposed Horticultural Award 2010. It is clear, as has been conveyed to me by many horticulturists in the electorate, that the new modern award which brings together 11 individual awards, including our own

state's Fruit and Vegetable Industry Award, does not adequately serve the needs of employers and employees throughout Queensland, as the bill states. By asking employers to pay casual pickers time and a half on Sunday, the award imposes an enormous cost on producers. As recorded in HAC's submission to the AIRC, for a Queensland strawberry grower employing up to 700 people during peak harvest period, increases in casual rates will alone result in an increased wage bill of approximately \$92,568 during a three-month period.

Given that the horticultural industry is a price-taking market, increases in costs cannot be passed on to the customer and cost increases will directly translate to a reduction in profit for growers, many of whom estimate losses. Surely this is not a case of, as the bill states, adequately serving the needs of Queensland's employers. As the HAC submission continues—

Given the importance of daily picking and packing across much of the horticulture industry, adjustments in Saturday and Sunday penalty rates will produce a variety of negative outcomes for employers, including significantly increased costs, poor quality produce and a reduction in hours for employees. In a nutshell, poor outcomes for Queensland employers and employees alike.

As we all know, work on Saturdays and Sundays is an inherent feature of the horticulture industry and is necessary because of a range of external factors, including matters such as the weather, ripening of the product, transport and consumer demand.

What is more, the proposed award does not adequately serve the needs of Queensland's employees. Employees in that same horticulture industry have already raised with me their desire to continue working over weekends so that they can take advantage of banking and retail services during the week.

The bill also aims to cover a few other aspects, including ensuring that the status and seniority of the president's position is appropriately acknowledged and that the QIRC aligns with the administrative structures of industrial tribunals in most other jurisdictions, that it clarifies the role of the president and the vice-president within the commission without interfering with the independence of the QIRC or changing the nature of the QIRC's powers or fettering their use, and inserts a number minor amendments to clarify the intention of provisions and to correct drafting anomalies.

In short, the bill is designed to streamline the functions of the president to be in charge of both the Industrial Court and the commission and its administration—functions and powers that should rightly be vested with the president.