Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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FAIR WORK (COMMONWEALTH POWERS) AND OTHER PROVISIONS BILL

Mr POWELL (Glass House—LNP) (4.47 pm): I rise to contribute to the debate on the Fair Work (Commonwealth Powers) and Other Provisions Bill 2009. The bill's objective is said to enable Queensland to participate in a single national industrial relations system for private sector employers and their employees. It also allows for the Commonwealth to legislate exclusively for all employers in Queensland, except state and local government employers.

I understand that there has been some confusion in determining whether corporations fall within the legal definition of a constitutional corporation, specifically whether employers and their employees are covered by the state or the Commonwealth industrial relations system, hence the reason for this bill. The bill takes the approach that it is making the industrial relations system more efficient. It refers to creating uniformity among corporations and making Queensland's industrial relations laws consistent with the industrial relations laws of other Australian states.

However, I must question how this new system will be any more efficient and any less confusing. In fact, it appears more complex and, therefore, more confusing than the current system. Perhaps workers' protection and entitlements will be worse under the Fair Work Act than if they remained under the current state system. The minister in his second reading speech stated that there were five very important issues that needed to be agreed upon before the government even considered this change. I would like to refer to those issues now. They were—

- the Queensland government having power to apply to Fair Work Australia to end industrial action in government owned corporations in specified circumstances;
- preservation of Queensland's unique and beneficial conditions for apprentices and trainees until Fair Work Australia reviews national conditions in this area;
- protection of certain state entitlements of employees transferring to the national system, as outlined at clauses 30 to 44 of the bill;
- preservation of certain award wage rates arising from Queensland Industrial Relations Commission decisions affecting the community and disability services sector;
- a high degree of control and input by Queensland over changes to law and policy in the national system.

After reading through these issues, it seems the proposed change of referral of power has the potential to create even more confusion in Queensland. One of these issues states that Queensland would have a high degree of control and input over changes to law and policy in the national system. This point seems to open wide the gates for potential confusion and, in essence, seems to give the state of Queensland almost as much right and voice as it has now. If Queensland wants to be involved in these decisions, why take this away in the first place?

In his second reading speech the minister also says that these issues are being worked through by state and federal officers. On the contrary, it seems this is only the beginning of thrashing out the various state and federal roles and responsibilities. In addition, the second reading speech refers to Fair Work at the federal level being fairer, less prescriptive and less complex than Work Choices. However, it does not say how this will happen or in what way. In fact, my experiences of where some industries, particularly

those in Glass House, have been referred to national award structures is that possibly the opposite is actually true.

An example is, as the member for Southern Downs raised earlier on, what has been occurring in the horticultural industry over the past 12 months. In an attempt to apparently simplify the award structures, the government paid little heed to the fact that the horticultural industry award would increase Australian fruit and vegetable farming business labour costs by 25 per cent or more. All of those costs would have been passed on to us as consumers at our local Coles, Woolworths or IGA or any one of the fruit and vegetable stores on the side of the road that we might stop at. It stipulated a limited span of working hours at ordinary rates. This would definitely have affected orchard work and work hours in the packing sheds.

According to Stuart Swaddling, Chair of the Horticulture Australia Council, this award would have been the single biggest calamity—I might pause here and note also that the federal minister for the environment has possibly saved this state government from what could have been the second biggest calamity if the Traveston Dam had gone ahead, and I applaud that decision today—that the horticultural industry nationally has faced in its history, resulting in reduced hours for regional workers at the very least and a significant loss of regional jobs if businesses went to the wall. It would have had the potential to impact on the viability of 30,000 businesses nationally, not to mention that it would have placed an unnecessary regulatory burden on small businesses.

It is exciting to know that, as a result of successful lobbying by so many, including Growcom and local fruit and vegetable growers in the electorate of Glass House itself, Minister Gillard has revised her direction to the Australian Industrial Relations Commission. Similarly revised directions to the AIRC for the retail and hospitality industries have led to better outcomes for those industries. The horticultural industry and horticulturists in Glass House in particular live in hope that this will reap a far better outcome for that industry. It is indicative that nationalising awards does not necessarily reduce confusion or red tape. My sense is that the further we move away from the industry operators on the ground who are trying to implement these awards, the more challenging such negotiations become. I therefore acknowledge this bill but suggest that the state government proceed with immeasurable caution.