



Speech by

## Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 2 June 2009

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### INDUSTRIAL RELATIONS AMENDMENT BILL

**Hon. CR DICK** (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (7.57 pm), in reply: At the outset I thank all honourable members for their contribution. I particularly want to thank the members for Waterford, Yeerongpilly and Brisbane Central for their very considered comments in this debate. Their comments reflect a deep and long understanding of the industrial relations system in this state and in this country. Regrettably, it does appear that members opposite do not yet understand the interrelationship between the state and the Commonwealth, the interrelationship between the state industrial relations system and the national industrial relations system and how they have transformed over time and are transforming as we move to a new national industrial relations system.

As I said in my second reading speech, the Industrial Relations Amendment Bill 2009 clarifies the roles of the vice-president and president within the Queensland Industrial Relations Commission without interfering in the independence of the QIRC or changing the nature of the QIRC's powers or fettering their use. The bill transfers the relevant administrative powers from the vice-president of the QIRC to the president of the QIRC to enable the QIRC to be in the best possible position to take advantage of any national industrial relations system that may emerge over the coming months.

The opposition has attempted to draw into this debate questions about current industrial issues and the government's announcement today to protect Queensland's future. I will not delay the debate any further, but I would observe that the Premier, the Deputy Premier, the Treasurer and other members of the government, in particular the Minister for Education, addressed those issues fairly and squarely in this House this morning. They also fairly and squarely addressed the opposition's considerable failings in that area.

The member for Southern Downs and a number of his colleagues raised some concern that there had not yet been a formal request from the Commonwealth in relation to Queensland's involvement in the new national industrial relations system. In the event that the Queensland government were to decide to engage with that new national industrial relations system for the private sector, which I would remind all honourable members is to commence on and from 1 January 2010, the work of the president in directing the commission would be undermined if we did not pass this bill now, if we did not change the arrangements within the commission to allow the president to engage with the head of Fair Work Australia. We would effectively undermine the role that we need to play in any national industrial relations system and we need to set the framework so we can proceed.

Under the Commonwealth Fair Work Act 2009, the president of Fair Work Australia may only discuss matters of cooperation and enter into written arrangements for providing administrative support with the president of state industrial tribunals and commissions. The president of Fair Work Australia can only relate and engage with the president of state industrial relations commissions and tribunals. As a result, it is considered necessary to vest all administrative duties in the president in advance of progressing any consideration of the national industrial relations agenda.

If we were to accept the propositions put forward by the member for Southern Downs and his assertions that we should wait for a formal request, it would mean that when such a request came

Queensland would be unable to fulfil that request and the opportunity to provide further work to the Queensland Industrial Relations Commission would be lost. This government is being proactive, as we seek to be proactive in a whole range of areas of government responsibility, in changing the industrial relations environment in this state to ensure that matters can be expeditiously dealt with as they arise in the future rather than adopt the wait-and-see approach proposed by those on the opposition benches.

In the context of that flawed approach proposed by the opposition, I would note that the steps taken by those of us on this side of the House in respect of industrial relations reform occur in the context of a commitment to cooperative federalism—a commitment to working to strengthen the rights and roles of Queensland workers within the federation. That draws a very stark contrast with the position taken under the Howard government. What did the Howard government do? It took a directive, unproductive, top-down approach—some would say dictatorial—supported by those members opposite during those long and bitter years for workers in this country. It is an approach that saw discord, disunity and disenfranchisement of some of Australia's most vulnerable workers, and it is to the eternal shame of those opposite that they sought to support that sort of approach.

Can I just say three words: forward with fairness. That was the policy that the Australian Labor Party took to the nation during the last federal election—a policy that was endorsed overwhelmingly by the people of this country and the people of this state. It was an election that saw the election of a Queensland Prime Minister—the first Queensland Prime Minister for many, many years, overwhelmingly supported by his fellow Queenslanders. That is the approach that this government will take in respect of industrial relations. We will move forward but always with fairness.

The member for Gregory asked what stakeholders were consulted in the preparation of the bill. The key stakeholders consulted were the president and the vice-president of the commission. They are the people most impacted by these amendments. This bill relates to the form and not the function of the court and the Industrial Relations Commission. Both of those were of course consulted. I am also advised that there were some further and formal consultations undertaken with industry associations. I assure all honourable members that, where the government would propose reforms that impact upon the substantive rights or abilities of parties appearing before the commission, including employees and employers and their representative bodies, formal consultation with those groups would of course occur. I pledge myself to doing that in any substantive reform bill that might come before the parliament.

I would also like to acknowledge a matter raised by the member for Gregory. He raised in his speech the failure by some employers to pay appropriate superannuation entitlements to some of his constituents. I would encourage the member for Gregory to approach me with details of those workers and the employers who are not paying those workers—those shearers, I might indicate—their lawful entitlements. I will undertake, upon that approach by the member for Gregory, to ensure that wrong is righted to the best of my ability and they are paid their proper entitlements.

The amendments contained in this bill will enable commissioners of the Queensland Industrial Relations Commission to be more productively utilised within the new national industrial relations system set to commence throughout the Commonwealth in 2010. We are getting the framework right so we are able to engage with the new national industrial relations system.

In conclusion, I would like to acknowledge the hard work of officers of the former department of industrial relations—officers of the now Department of Justice and Attorney-General, particularly those in the division of private sector industrial relations. I would like to particularly acknowledge Ms Pamela Scott-Holland for her work in preparing the bill and other officers of the department, and Mr Rhett Moxham of my office for his work on this bill.