



Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Wednesday, 11 November 2009

FAIR WORK (COMMONWEALTH POWERS) AND OTHER PROVISIONS BILL

Ms GRACE (Brisbane Central—ALP) (5.25 pm): I rise this afternoon to support the Fair Work (Commonwealth Powers) and Other Provisions Bill. I also stand in this House proud of the work that we did in the Your Rights At Work campaign in this state. I led that campaign in Queensland for two years and was part of a national team that fought bitterly. We went on a massive education campaign against what could only be described as the worst draconian laws that the Howard government introduced into this country. We were very successful in defeating the Howard government at the time. Let those on the other side of the House be under no misapprehension: Work Choices was the nail in the coffin of the Howard government. In defeating the Howard government on this issue, we killed off the Work Choices legislation.

What was Work Choices all about? Let me remind members very quickly. It stripped away entitlements for 75 per cent of the workers in this state overnight. They had their entitlements stripped to five bare minimum conditions. They were shoved on to individual contracts. You had people in very small companies, who had the laws that you are saying you want to maintain and protect, having their entitlements stripped away from them overnight, and they were put under individual contracts with five minimum conditions.

They had removal of unfair dismissal rights taken away overnight. They had them one day, and the next day they were taken away. The government stripped away the award conditions for ordinary working families. Let me tell you: I did not hear very much opposition coming from those on the opposite side of the House. In fact, you were there at the sidelines, cheering the Howard government on, yet today you are in here as hypocritical as ever trying to defend—

Mr DEPUTY SPEAKER (Mr Wendt): Order! I would ask the member to direct her comments through the chair.

Ms GRACE: The opposition members are in here today trying to defend the metamorphosis they have all of a sudden gone through. They were moths yesterday; today they are butterflies. All of a sudden they are all standing up for the worker. Let me tell you, Mr Deputy Speaker: they did not fool the workers at the last election and they will not fool them today. What opposition members are going on about today demonstrates their lack of knowledge of industrial relations to the point of embarrassment. I listened to the words of the member for Kawana and the member for Gaven, and their lack of knowledge of industrial relations matters was almost embarrassingly unbelievable.

We had the member for Southern Downs saying that he was not going to support the legislation because somehow it is stripping away the rights of workers—all of a sudden, he is a bastion for the rights of workers—and then in the same breath we had members on his side bemoaning the fact that we are giving the laws over to the federal legislation because it is going to increase their entitlements. Talk about a contradiction of terms from the same side of the House. The hypocrisy is absolutely breathtaking.

But we put up the good fight in this state. It was a hostile progress initiated by a Liberal government. A Liberal-National government initiated this hostile takeover, and this government, together with the union

movement, fought it up to the High Court. Unfortunately, the High Court ruled and they were able to use the corporations power in this way.

The only correct course to take when there is only 25 per cent left in the state system—and business also supports this—is to amalgamate it into the federal system, but you do not do it willy-nilly. You do it with all of the protections in the legislation to ensure that those workers go through a transition and their entitlements are protected. I can say that their entitlements are enshrined in this bill. If opposition members read it, they would see that they are enshrined in this bill.

We have heard the carping and the carry-on from that side of the House about how workers are going to miss out. Like I said, they all went through a metamorphosis. They are all the workers' defenders all of a sudden. Your silence was deafening during Work Choices. You have no credibility on this matter. You have absolutely no knowledge on this matter, and your comments and your debating are pathetic.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Brisbane Central, please direct your comments through the chair.

Ms GRACE: Thank you for your guidance on this matter, Mr Deputy Speaker, but it is very difficult when you hear such utter nonsense being uttered from the other side of the House. It is very difficult to keep one's cool when all one's life one fights for the rights of workers and those on the other side brought in the worst national IR laws this country has ever seen, and yet they are standing up here today and degrading what we are doing under this bill. Not only are they out of touch with workers; they are out of touch with those whom they are supposed to represent. They are supposed to represent the business community. They are completely out of touch, because we know that even business is saying, 'It becomes very confusing when one lot is covered under federal legislation and one lot is covered under state legislation.'

Ms GRACE, continuing: I resume my comments on the Fair Work (Commonwealth Powers) and Other Legislation Bill to make a couple more observations. The member for Southern Downs referred to the industrial inspectorate and being unsure about what is going to happen in the future. I want to draw his attention to a very salient point—that is, it was actually the Howard government that brokered the agreement with the Queensland government regarding the industrial inspectorate and it is the Labor government here today that is now having discussions with the current federal Labor government about reinstalling those protections that he was going to vote against today. I wanted to draw that to the honourable member's attention.

The second point is that we will not let the other side of the House forget and we will let the business sector know that what the opposition is doing here this evening is nothing more than economic vandalism. It makes economic sense to have one system that covers both the federal and the state system where we have a fair industrial relations system now in place both in the state and federally. We would not have done it under Work Choices, but this is a much better regime than what those opposite could have ever imagined.

I also want to address some of the issues to do with the member for Gladstone. She spoke to a delegate. Sure, there will be some officials out there who would like everything to stay the same and would prefer to remain in the state system. We are not going to convince everybody, but my view, by and large, is that because we now have a Fair Work Act—that is, one system with comparable IR rights and entitlements—it is the right time to move into one system for the private sector and the GOCs but covered under Labor's Fair Work Australia laws, because Work Choices is dead and buried. This step was not taken lightly, and there has been extensive consultation with Queensland employers and unions. Like I said, quite clearly there are some who like the old but there are more who will like the new.

This is a good idea: one system able to achieve comparable IR rights and entitlements. I say that because there are two safeguards entrenched in this bill: the Commonwealth cannot unilaterally change the scope of the national system, and the bill includes provisions which limit changes to national IR laws which impact on Queensland's referred jurisdiction without this government's prior agreement. So there are a couple of very strong safeguards in this bill. If members on the other side took the time to read the bill, they would see that it cannot be unilaterally changed and changes cannot impact on these referred IR laws without this government's prior agreement.

In the past, there may have been times when the state took back the powers that it had referred, but let me tell the House—I will guarantee the House—that if Work Choices is ever introduced by a future Liberal National Party government then the next Labor state government will take those powers back. I bet you anything that we will be the first to move to protect workers' rights, while those on the other side will remain silent—just as they did during the Work Choices debate.

Decent wages and conditions, collective representation and bargaining, and unfair dismissal rights and remedies through an independent umpire are available in the Fair Work Act, providing a fairer and more balanced approach to IR than those dreadful laws that we put to bed under Work Choices. The protection for workers is built into this legislation, and I will just go to a few of them.

State awards and agreements will be preserved as federal instruments maintaining state entitlements for referred employees and employers for a transitional period in the national system. Queensland's awards will be preserved for a period of 12 months, and afterwards Queensland's referred employers and employees who were covered by state awards will be regulated by modern federal awards. We heard some carping about the modernisation of awards, but let me tell the House that we will do that the Labor way—unlike Howard, who was doing it the Liberal-National Work Choices way. There will be a big difference between the two, I guarantee the House.

Mr Springborg interjected.

Ms GRACE: During the 12-month transition period, Fair Work Australia is required to consider whether any modern award should be varied or industrial orders made to continue the terms of Queensland's state awards.

Mr Messenger interjected.

Ms GRACE: Honestly, the interjections from the other side of the House just add to the embarrassment. They honestly have no idea. They cannot hold their heads up because they were in this House supporting Work Choices all the way. Members opposite have no credibility, so they should not even attempt to interject because it is an embarrassment to them and their party.

Terms included in modern awards under this process will last for a period of five years from Queensland's referral commencement—that is, five years from 1 January 2010. The Commonwealth bill ensures that working Queenslanders will have their hard fought for entitlements preserved under the referral. I repeat: they will be preserved under the referral. The preservation period will allow Queensland employers and employees to adapt to the new national system or allow for further consultation with Fair Work Australia on conditions seen as essential in Queensland.

The national industrial relations system will provide Queensland employees with continuing decent wages and employment conditions. Workers have nothing to fear. The ability of Fair Work Australia to issue remedial take-home pay orders will ensure no employee suffers a loss of wages when moving to a modern award.

There is also the retention in this bill of the superior apprentice and trainee system. I am very proud that this bill includes this because I was instrumental in Queensland's apprenticeship and traineeship system being underpinned by orders of the Queensland Industrial Relations Commission. In fact, I was one of the first industrial officers to present a case to obtain these orders. They provide for, amongst other things, competency based wage progression and paid training time. Some of these conditions are unique to Queensland, and it is fantastic to see that this bill also ensures that these terms and conditions of our hardworking apprentices and trainees that are made under the QIRC will be maintained whilst we refer the powers to the Commonwealth legislation.

In conclusion, this bill strikes, in my view, the balance in establishing a national IR system but respects state rights at the same time. It is in the best interests of workers and business. There are more than enough safeguards and protections for workers' pay and conditions—more than Work Choices ever gave any worker in this country. I commend this bill to the House.