



Speech by

Simon Finn

MEMBER FOR YEERONGPILLY

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FAIR WORK (COMMONWEALTH POWERS) AND OTHER PROVISIONS BILL

Mr FINN (Yeerongpilly—ALP) (4.28 pm): No amount of pubescent moralising can escape the fact that those opposite are in here upset about another stake being driven into the heart of Work Choices. That is what this is about. It is about another stake being driven into the heart of Work Choices and those opposite know it.

Opposition members interjected.

Mr FINN: We will get to that. The bill before the House today is about the referral of aspects of the state industrial system to the federal system. It is actually the third plank, the third stake in the heart of Work Choices. Firstly, we saw in February 2008 the Workplace Relations Amendment Act. That act abolished the making of new AWAs, introduced or reintroduced the no-disadvantage test, started the modern awards process by reducing 4,000 awards to 150 and, together with the creation of national employment standards, began the development of the new safety net. That was the first stake in the heart of Work Choices, the first stake that the LNP were in here opposing at the time.

The second plank with the Fair Work Act earlier this year established the safety net of minimum wages and conditions, implemented a new agreement framework with enterprise bargaining at its core and once again re-established the new independent umpire. Today's bill is part of the next plank of that reform of the Australian workplace, and it is about restoring fairness and balance as the guiding industrial principle and with Queensland playing its part in a national industrial system. The benefits of that national industrial system are primarily, for me, about restoring the balance—a balance that was taken away by the previous Howard government. But it is also about efficiencies. It is also about creating a fairer, a less prescriptive and a less complex system than the Work Choices system that the Rudd government inherited. What it does is it clearly defines the system and the conditions for employees across the country.

What we see in this referral is effectively the creation of a public-private system, with the private sector primarily in the federal system and the public sector primarily in the state system. It is disappointing that the member for Kawana and maybe even the member for Southern Downs come in here to make their statements and then leave. I see they are coming back. I said 'maybe', but I am glad the member for Southern Downs is coming back. I do not want him to miss a minute of it!

It is noted that local government and local authorities remain in the state system as do some state owned corporations such as WorkCover, South Bank Corporation, Tourism Queensland and a range of state entities. Quite contrary to what the member for Kawana told us in terms of his suggestion that we were handing over completely the state system, the state system will retain some 300,000 employees. This is not a handover of the state system; it is a clear definition for each of the workers and the businesses in Queensland about which system covers their terms and conditions of employment.

What is clear though when we go down the path of national systems is that we are attempting to provide a stable system across the country, and that will no doubt bring a range of issues. As we start with cooperative federalism, where there is a need to be harmonising systems, we are always going to come up

with a range of issues to be resolved, and some of those I will identify today. The minister quite actively engaged in negotiating the protection of conditions for Queensland workers as part of this agreement to refer workers to the federal system. Some of these issues included the preservation of state conditions under state awards, and workers not losing out was a position that was very strongly taken by the minister in our negotiation.

Another issue resolved in negotiation was the continuation of Community Jobs Plan programs. These are community jobs programs structured under an order of the commission and include things like our Green Army, our Skilling Queenslanders for Work initiative and in previous years the very successful Breaking the Unemployment Cycle programs. We were able to ensure in negotiation that these programs continue. Another issue resolved in negotiation was the continuation of Queensland's leading apprenticeship and trainee arrangements. These arrangements based on competency based training are able to continue under the terms that we were able to negotiate with the Commonwealth. I know there is some controversy about competency based training around Australia, but our way is leading the way and we are able to continue down that path in agreement with the Commonwealth.

We were able to negotiate with the Commonwealth for the preservation of wage rates in the community and disability sector following a pay equity case in Queensland that provided adequate wage support for workers in this industry, and this included increases in wages for people in this sector of up to 38 per cent. We were able to play an active role in ensuring that those Queensland workers not only retained their wage conditions but also have an active role in partnership with the union representing those workers in engaging the Commonwealth to endorse a pay equity case into the future that will cover workers in this sector across the country.

I note that in the member for Southern Downs's contribution he mentioned that there were some differing conditions for workers in the federal system and the state system, but it is the height of hypocrisy to come in here and start defending unfair dismissal. It is the height of hypocrisy for him to come in here and say, 'We don't support this bill because it will implement a six-month limit on unfair dismissal where state workers have three months.' I acknowledge that there are different systems, but for him to come in here and say that his position is to oppose it and give that as one of the core reasons is a disgrace. He has stood in this place supporting Work Choices, which was about abolishing unfair dismissal. The whole path of the Liberal-National Party in government federally was to abolish it. We have heard argument after argument in this place. Those opposite come in here and say that they have been consistent and that they have consistently supported business's position to abolish unfair dismissal.

Mr Springborg: So the workplace ombudsman's wrong?

Mr FINN: I take that interjection from the member for Southern Downs. I did not say that the workplace ombudsman was wrong; I said that it was the height of hypocrisy for the member to come in here and quote him when it has never been his position.

To be fair in this, there remains an ongoing issue regarding the continuance of inspectorate work in Queensland. One of the jobs into the future for the Department of Justice and Attorney-General is to ensure that inspectorate services can be maintained in Queensland and that service delivery levels that we provide workers in the state system are delivered to workers in the federal system as well. I also should comment on the provisions that enable referral to be changed or amended. It was one of this government's approaches in negotiation with the Commonwealth to ensure that where there was an amendment to referral affecting Queensland two-thirds of the referring states would be required to be in support of that amendment before it could be imposed by the Commonwealth. This ensured a fairly strong say for the states within the system as part of cooperative federalism.

But we should note that one of the enabling factors for ending referral or amending referral is based on breaches of principles that are enshrined in the bill. Breaches of these principles will give grounds for triggering the process of ending referral. Those provisions are providing a safety net of minimum employment standards, freedom of choice to join a union and participate in collective activities, collective bargaining with no provision for individual statutory agreements, fair and effective remedies through an independent umpire, protection from unfair dismissal—all of these things that were not at the front line of the LNP or the Liberal-National government previous to the Rudd government.

There has been extensive consultation both with business and with unions in the formation of this bill and it being brought forward to this House. I want to come back to the contribution of the member for Southern Downs. The member for Southern Downs, in coming in here and opposing this bill, puts himself on the outside of all of the business groups in Queensland. The Queensland Chamber of Commerce, for example, supports the referral. Business groups across Queensland, and indeed across the nation, support the referral and the creation of a national industrial system so they have certainty, less complexity and they know the conditions that they are under. Is the member opposite really coming in here saying that Queensland should be different from all of the other states? How does a business operate that way? This is one of the things that businesses say—that is, they want a consistent system in all of the states.

The position of the Deputy Leader of the Opposition is for Queensland to have a different system. He bases that, like he does on his job cuts and his efficiency targets, on the Western Australian government. The Western Australian government is out of step with its business peak bodies in that state,

and being out of step with business groups is what members of the opposition propose we do in Queensland when they come in here and oppose the bill. The fact of the matter is that those opposite simply want to hang on to Work Choices. They need to understand that no government had a better chance for cooperative federalism than the Howard government when it had Labor governments in every state. It could have dealt with Labor governments in every state and set up a cooperative model. Instead, it chose the path of ideological overreach. It chose the path of creating imbalance and a lack of fairness in the system. It was rejected because it offended Australia's principle of egalitarianism. Part of this bill is about re-establishing fairness and stability in the system, and I commend the bill to the House.