




Speech by
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INDUSTRIAL RELATIONS (FAIR WORK ACT HARMONISATION) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr PITT** (Mulgrave—ALP) (5.44 pm): I rise to contribute to the debate on the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill. As deputy chair of the Finance and Administration Committee, I thank the chair, the member for Coomera, and the other committee members—the member for Murrumba, the member for Greenslopes, the member for Stretton, the member for Hervey Bay, the member for Sunnybank and my colleague the member for Mackay—for their contributions and their application to the task of reviewing the legislation. I also join with my fellow committee members in congratulating Deb Jeffrey for the excellent work she did in bringing this report together in such a short time frame.

Beyond the fundamental differences between the LNP and Labor on this legislation, as indicated in the dissenting report, the committee has provided some valuable insights and worthwhile improvements to what is essentially flawed legislation. I will deal with those improvements later, and I thank the committee chair and the other members of the committee for their consideration of this bill. Firstly, I want to reinforce the Leader of the Opposition's comments about the necessity for this legislation or, rather, the absence of necessity for change.

In the last two months we have seen a range of broken promises from the LNP that have been raised by the opposition in this House. There has been a failure to implement a full freeze of car registration costs, misleading voters because they failed to highlight that the freeze does not include CTP. There has been a failure to provide the full value of electricity savings that were promised in the election. The public was told that it would save around \$120 a year on power bills, but it has since been revealed that the tariff freeze does not extend to hot-water systems and pool pumps. There has also been the failure of the Premier to uphold the standards of ministerial accountability—so regularly trumpeted during the campaign—with the arts minister blaming a public servant for her own mistake.

However, of all the broken promises we have seen from the LNP government to date, the introduction of this bill represents the biggest one of them all. What is worse with the earlier examples I mentioned is that the government has failed to meet the intention or spirit of its contract with the community. In the case of this legislation, no such contract exists. During the campaign, the Premier and the LNP gave absolutely no hint that they intended to wind back workers' rights and the role of the independent Industrial Relations Commission. In fact, they even expressly denied that any such changes were being considered, even though it is exactly what happened in Victoria and New South Wales when conservative governments gained power in the past 18 months.

Here in Queensland the Premier flatly denied that the Industrial Relations Commission would be under any threat by a future LNP government. Yet here we are only two months into the Newman administration and workers' rights are being eroded. This is a betrayal of the highest order. I do not use the term lightly, but betrayal is the only way to describe what the LNP has done in introducing this bill. It has dressed this bill up as some benign amendment to Queensland's industrial relations laws to bring them

into alignment with the federal Fair Work Act. But, as we heard at the public hearings for this bill, that is not quite true. The government has been very selective in choosing which elements of the Fair Work Act it has chosen to 'harmonise'.

In this bill, it has included parts that favour the employer while omitting some of the sections that favour employees. The member for Redcliffe talked earlier about how the health minister showed Labor how it should be done in terms of bringing agreements together. Obviously the hard work was done by Labor in this regard given that the agreement was done in such a short time frame. The QNU has also made a submission on this bill opposing it, so I do not think it is the biggest fan of this legislation.

As the Queensland government is both the legislator and the employer of most of the people affected by this bill, it is clear that the government is trying to shift the balance of power in its own favour over workers. There was no mention of this before the election, as the LNP went to some lengths to win the support of public servants. It seems that support is now being repaid by fewer rights and less likelihood of a fair and balanced outcome. Clearly, this constitutes a betrayal. Perhaps the bill should be called the 'Unfair Work Disharmonisation Bill'. Just like the cost-of-living bill, which failed to truly address the cost of living, this bill is not fair and does not truly harmonise with federal legislation.

Before going on to deal with specific elements of the bill, I want to spend some time discussing the consultation that took place—or, rather, failed to take place—in relation to this bill. Firstly, the government's failure to mention these changes during the campaign deserves condemnation. Clearly, these changes were on the mind of the LNP in the lead-up to the election. The Chamber of Commerce and Industry Queensland revealed at the public hearing that it had been in detailed discussions with the government before the election about changes to the industrial relations laws, particularly in relation to public servant wages. Yet, strangely, no mention of this was made to any representatives of Together, the union that represents the bulk of Queensland's public servants.

During the public hearing, I asked the United Firefighters Union State Secretary, John Oliver, if the Premier or his team consulted with the UFU prior to the election or informed them of any proposed changes to Queensland's industrial system. He responded by saying that he was 'completely taken by surprise' by this proposed legislation.

The LNP was obviously cooking this up but did not want to risk putting public servants and local government staff offside. So what did it do? It kept it hidden. It was trying to fool the estimated 300,000 workers who will be affected by this legislation. It is this dishonesty that is the most galling aspect of this bill.

To add insult to injury, the LNP then proceeded to allocate very short consultation time frames for what are very significant changes. Public submissions on the bill opened on Monday, 21 May and closed soon after, on Friday, 25 May. As many stakeholders pointed out at the hearing, this was not sufficient time to fully analyse the impacts of the legislation and to consult with members. This was even recognised by the committee, which urged the government to adopt 'realistic' time frames for consultation, particularly when many stakeholders are involved.

I suspect the haste associated with this bill is primarily motivated by the government's determination to have the new framework in place before it has to finalise a new deal with Queensland teachers. Only last night the government gave teachers an inadequate wage offer, and the Premier wants the new laws in place so that they can be used to settle any dispute in the government's favour.

The Queensland Teachers Union made the point during the public hearings that its enterprise bargaining negotiations commenced with the government on 23 November 2011. However, more than two months passed after the state election before it received an offer from the government. Queensland's teachers are now less than four weeks away from the expiry of their agreement, and they will not only have to contend with a poor offer that is late in coming but also, more than likely, have to navigate their way through this new legislation. It is clear that the government wants these new powers in place so that they can be used against the teachers in case of industrial action. For a government that came to power with so much goodwill, the LNP seems intent on tossing that goodwill aside for its ideology.

As outlined by the Leader of the Opposition, Labor is opposing this bill. Unlike the Attorney-General, I was not 'overjoyed' to support the committee's first recommendation. But being a pragmatist I realise that this will pass on the numbers. Therefore, I strongly urge the government to implement the committee's three other recommendations. The second recommendation relates to wage negotiations that are already underway, such as the Queensland teachers I have already spoken about. The recommendation states—

The committee recommends that the bill be amended to include transitional arrangements ensuring that all processes which have already commenced be concluded under the previous arrangements.

This seems to be a fair recommendation, based on common sense, and it was put forward by a bipartisan, all-party committee. It means that those workers who already have negotiations underway can finish their processes under the same rules that they started with. It means that the government should not be shifting the goal posts in the middle of the game. I urge the government to take a look at the title of the bill and be fair—fair to those workers who have already commenced negotiations with the government—and adopt this recommendation.

I note that the government has adopted the third recommendation of the committee, which was put forward based on some evidence by the LGAQ. This recommendation urges the government to amend the bill to omit the requirement of a signed agreement in the event of an employer-employee agreement, providing the employer can show the commission that a majority of employees have approved the proposed agreement.

The fourth and final recommendation of the committee relates to the balloting methods outlined in the government's bill. Proposed new section 176 sets out the requirements for industrial action by employees or an employee organisation. It insists that industrial action be authorised by a ballot. However, any reasonable person would immediately see that this requirement is completely impractical in Queensland. As the Queensland Teachers Union pointed out, conducting a ballot across its members is a logistical nightmare. Teachers are spread right across the length and breadth of this state—from Coolangatta to Thursday Island and out to Thargomindah and numerous small places in between. Conducting a ballot in the manner and time frames outlined in this bill is unreasonable.

The Queensland Council of Unions pointed out that this is one of those areas where there is no real harmonisation with the federal laws. The federal Fair Work Regulations allow other forms of ballots, such as by giving notices to employees personally, by emailing employees at their work email address, by providing a link to a website or by sending a fax. The Attorney-General should have realised that, in a state as decentralised as Queensland, with the variety of employees in the state and local government sectors, his narrow proposal just will not work. If the government is fair dinkum, it will follow the committee's advice and allow the ECQ to implement a variety of balloting methods under this legislation.

In summary, I will finish where I started. Of all the promises broken by the Newman government since it came to office, this is the most significant so far. In particular, the government's duplicity is staggering. The LNP went to the extent of initiating discussions with the Chamber of Commerce and Industry Queensland before the election about these changes but kept them secret from the public. On the one hand it was courting public servants with soothing statements and positive words—they were doing their best 'bureaucrat whisperer' impression—but behind the scenes it was plotting and scheming to erode workers' rights. Once the Premier and the Attorney-General realised they had such a massive majority in this House, they thought the time was right to strike.

Just like John Howard and his hated Work Choices legislation, the LNP in Queensland is using its bloated majority to attack workers' rights. So I caution the Premier and the Attorney-General: there was a massive backlash against the Howard government because of Work Choices, so do not be surprised if there is a similar backlash against this legislation. This bill represents a massive attempt to deceive the Queensland public, and I suspect the LNP will regret the day it decided to embark on this journey.