Speech by

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

Mrs SCOTT (Woodridge—ALP) (6.04 pm): I rise to speak against the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill 2012. At the outset I want to express our disappointment and disgust at the unreasonably short time frame for consultation on this matter. This lack of time for interested parties to make submissions, together with the fact that the proposed changes were not foreshadowed prior to the election in the LNP's 100-day plan, makes a mockery of the Premier's commitment to treat the parliament with respect. On closer inspection, the legislation proposed today is unashamedly designed to take away the rights of workers in the pursuit of matters before the commission, particularly with respect to the negotiation of enterprise bargaining agreements. This disempowerment of workers is done in a number of ways.

Firstly, a new object proposed in the bill will require that the commission place greater emphasis on the economic capacity of the employer to pay. The object also proposes adding in a new element which requires the commission to have regard for the fiscal strategies put in place by the employer to address financial issues. At the moment the fiscal strategy of this government is to reduce spending—some would say in a razor-gang-like fashion. This change to require the financial position of the government or the employer to be considered is to walk away from more than 100 years of principle that wages should be determined by what is required for a decent standard of living for workers rather than the capacity to pay by the employers. This concept to pay in a government environment is a difficult one in that the employer is in charge of fiscal policy and can determine their own capacity to pay. I have seen a copy of the special broadcast from the director-general of the Department of Education, Training and Employment sent on Monday, 28 May to all employees which calls on schools and other education facilities to ban colour photocopying such as the school newsletter, use black and white copies back to back only and remove all plants from Education premises.

Secondly, the proposed changes also give power to the state government to intervene in matters before the commission which provide the employer with an unfair advantage over employees. Let us not forget that the state government is Queensland's largest employer, with 245,000 state government employees in the state system. In addition, there are approximately 40,000 local government employees and a few thousand others, mostly employed by P&C associations and the like. This equates to a total of approximately 300,000 workers who will be affected by the changes proposed here today.

The government proposes a very one-sided model that the Treasury chief executive can brief the commission at any time on the government's financial position with the intent that the commission will take this into consideration when arbitrating pay increases. Such a briefing is not deemed as evidence and therefore would not be subject to challenge or cross-examination by the other parties involved in the matter. Thirdly, the Attorney-General and Minister for Justice can terminate the action where employees are engaging in protected industrial action. Currently, the act allows employees to take protected industrial action in pursuing better EB outcomes to counterbalance the superior bargaining position of the employer.

The power for a minister to unilaterally end industrial action is contained in the Fair Work Act. However, the difference here is that in almost all cases the minister who issues the direction that industrial action cease is also the employer. In the federal jurisdiction public sector workers are a small part of the workforce covered by their legislation. Invoking this power will have a negative impact on employees and, therefore, must be used with restraint and only in exceptional and extreme circumstances. To ensure that it is not used overzealously, the matter that has led to the employees taking the industrial action should be brought before the commission prior to any declaration being made.

The Queensland Industrial Relations Commission has a demonstrated record of serving the interests of both employers and employees. This proposed amendment seeks to take the matter out of the hands of the commission and deny the parties the opportunity to receive the respected assistance of the commission. If you were cynical, you might suspect that this legislation is the precursor to move unionised workforces in government owned corporations, particularly Energex, Ergon, other power companies and Queensland Rail, to within the state jurisdiction.

The opposition calls on the government to remove the new requirement for the commission to take into consideration the fiscal strategy of the state government, which could be construed as an intimidatory and excessive political intrusion. The proposal to amend the act to allow employers to directly ballot employees in the circumstances where negotiations have stalled denies the parties the opportunity to access the assistance of the commission to resolve the matter. The opposition does not support this amendment and calls on the government to remove this amendment from the changes. The employer should be required to pursue outstanding matters in the QIRC prior to directly balloting employees.

Prior to his election, the Premier highlighted his respect for the QIRC, stating in a letter to the QCU, the union's peak body, dated 9 March—

The LNP values the QIRC having a role in effective dispute resolution. While a Can Do LNP Government will collectively bargain with unions, there will remain a role for the QIRC as an independent umpire for those occasions where agreement cannot be reached.

Clearly, this is a commitment that has not been fulfilled. The proposed changes to section 144 also deny employees the right to be represented by their employee organisation or union in the circumstance where the employer directly ballots employees on an enterprise agreement. The government proposes to introduce only postal ballots and not provide the option of utilising other more practical and less expensive forms of ballots, for example, email, workplace ballots et cetera.

In conclusion, the combined effect of these proposals gives the employer, who in most cases will be the state government, greater influence and control over the only means by which workers can achieve pay increases. These pay increases are much needed to ensure that wage rates as a minimum match cost-of-living increases. Not only will the changes negatively impact on employees; the changes limit the ability of the commission to assist the parties to the extent that it has in the past, either through conciliation and/or arbitration. The current powers of the commission have proven to be effective in resolving and concluding enterprise bargaining disputes. The opposition strongly opposes the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill 2012 and urges other MPs in the House to vote against it.