



Speech by
Ian Berry

MEMBER FOR IPSWICH

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

Mr BERRY (Ipswich—LNP) (6.14 pm): I rise to speak to the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill 2012 and I commend it to the House. My reasons are based on a common-sense approach. The bill instils into Queensland industrial law legislation a balance between the protection of Queenslanders and the preservation of the rights of workers. History records that the Fair Work Act subsumed Queensland's industrial law on 1 January 2010 so that the majority of Queenslanders in employment are now covered by the Fair Work Act and its principles. So how is it not fair to have the principles that cover the majority of Queenslanders—in fact, for that matter the majority of Australians—now include public servants and local government employees and entities in Queensland?

The merit of the Fair Work Act is still open to debate, and that is without mentioning the economic criteria as to whether our employment is able to be more flexible as required by other Western countries. It seems to me only proper that, if workers in Australia are covered by the Fair Work Act, those 245,000 Queenslanders who are involved in the Public Service are also included. Their right to have industrial action is unaffected. In fact, this bill gives to those employees empowerment probably more so than they have before for the reason that they now have the voting system independently controlled by the Electoral Commission of Queensland. It seems that to legislate for industrial action to be decided by at least 50 per cent of the members and for there to be a majority is democratic. Even if I were a teacher living at Cunnamulla, do I need any more empowerment to attend Lang Park and vote among others? I think not. The reality of life is that we are dealing with Queenslanders who are well educated, informed and who now live and work in the 21st century.

To consider the provision for the Queensland Industrial Relations Commission to consider economic data and the fiscal strategy of the government as being repugnant, I would respectfully suggest is a complete error for the reason that the majority of Queenslanders—in fact, the majority of Australians—are subject to those factors. How long ago was it that we as Queenslanders—and Australians, and for that matter, part of the Western world—were subject to oil crises, where the price of oil increased the price of petrol, increased our cost of living and we were held to ransom for it. They are factors that clearly governments are affected by as well as the private sector. Similarly, the global financial crisis is a factor that can influence any employer, including the Queensland government. Our economic present and future is, through globalisation, subject to many factors and I have only just named a few. That is without taking into account the fluctuation of the dollar and other factors. It is reasonable to ask the Queensland people—including small business operators, contractors and contract workers and the Queenslanders about whom we speak today—to be subject to the same criteria.

The bill does provide for financial data, including the fiscal strategy, to be put before the Queensland Industrial Relations Commission. However, the bill does not regulate how that is to be put before the commission; it simply says that it can consider it. The commission is made up of consistent members who are informed and it has open and public forums. The briefings of which the bill speaks state that the data and fiscal strategy are to be either in an open hearing or, if it is data, made public. In other words, besides

having the empowerment of the worker there is a transparency greater than ever before. The commission receives information which, as I have said, it gives weight to as it considers appropriate. The bill effectively deals with those matters that mirror the principles of the Fair Work Act. In summary, they are an equitable means for members. There is no provision that disempowers any Queensland workers.

In terms of the other major element of the bill—allowing the minister to make a written declaration terminating industrial action—that is not improper. Many speakers before me, from both sides of the House, have considered the merits and demerits. It is in the Fair Work Act. As I remember the defence of the Leader of the Opposition, it was opposed on the basis that it could be used, but it has not been used on the Australian level. With respect, that makes no difference to it being incorporated into this bill. The bill is well balanced as it brings a unifying principle to all Queenslanders. It empowers the workers by the standards of voting by which we all live. As I have said, the bill is transparent in providing fiscal strategy in an open and fair way. I commend the bill to the House.