




Speech by

Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Wednesday, 6 June 2012

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

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.28 pm), in reply: Can I start by thanking all the members of the House who have contributed to the debate on the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill 2012. After listening to the few hours of debate that we have had, I pondered where to start and what contributions to address. I thought, 'What better place to start than the contributions of the members seven opposite.' So in turn I will spend a little time addressing some of the issues that were raised by the members of the opposition.

I will start, of course, with the contribution of the Leader of the Opposition, who started her contribution by talking about the urgency of the bill and why we were debating this bill as the first bill for 2012. It is not. It is the second bill. We passed a bill in the last sitting. I will ask those honourable members who were in this place in 2009, after the Labor Party won the state election, to recall the first bill that was we debated against the backdrop of the global financial crisis and families across Queensland struggling. We debated a vegetation management bill. It was in relation to the regrowth, if I recall. Despite all the election commitments, all the promises, the first bill we debated in 2009 in the former government's reign was, of course, vegetation management.

Mr Rickuss: It was for the Greens.

Mr BLEIJIE: It was. It was a deal with the Greens. It was payback, in fact. The deal was done. Queenslanders were out of the loop in that deal. The deal was done with the Greens and straight away the Labor Party came in here and rammed that piece of legislation through. If I recall, it was declared urgent and I think they guillotined it as well. We are one up on those opposite there. We have not guillotined the debate. I thought I ought to start that way because the opposition was asking why it was one of the first bills debated. I ask her to go back—not that long in time—and see what they were debating in 2009.

The Leader of the Opposition also talked about ideological extremism. This is not some ideology that we are debating here. The fact is that a new government has many enterprise bargaining negotiations to undertake so we are debating it now in the midst of them. It is the proper course for a government. If I take the view of the Leader of the Opposition that this is some ideological fantasy that we are debating and this is why we are rushing it through then I ask—

Ms Palaszcuk: You are saying it, not me.

Mr BLEIJIE: No, well, you said it first—I ask has the Leader of the Opposition written to Julia Gillard and told her to delete the same provision in the Fair Work Act? Has the Leader of the Opposition written to her Labor counterpart and asked for that terrible clause in the Fair Work Act, that potentially could have been used for the Qantas dispute, to be deleted? I think not. I encourage her to correct me if I am wrong. Take a point of order, correct me if I am wrong, but I do not think I am. The Leader of the Opposition will come in here, attack the government for all she is worth but then does not have the courage of her convictions to, in fact, pen that letter to her best friend in Canberra and get her to delete those provisions from the Fair Work Act.

The member for Rockhampton made an interesting contribution; that is as much as I will say on that. The member for Mackay was talking about not telling the electorate about this big conspiracy and that when we are elected, now that we have 78 members, we are ramming this through because of this mandate. We are doing this because the Labor Party left Queensland with so much waste and inefficiency and Queenslanders voted for change. Queenslanders did not accept the fact that the government kept pouring millions and millions of dollars—we thought it was millions and millions, we learnt today it was \$1.253 billion—to fix the health payroll bungle. The Deputy Leader of the Opposition has the hide to talk about not telling people things before an election. I have heard a few members here tonight talk about asset sells. I have heard members talk about fuel tax and fuel subsidies and getting rid of that. I have heard other members talk about increasing car registrations. None of that was told to the people by the Labor Party in 2009. I hope when we sat on that side we were not like that. I assume we were not, but if we were maybe that is just what oppositions do.

The member for Mulgrave used the word 'betrayal'. I think he was the first to mention the dreaded Work Choices. This is a scare campaign tactic from the Labor Party. If this scare tactic had worked the room would have been full tonight of unions or they would have been protesting out the front. I cannot see behind me in the gallery, but I anticipate we do not have protesters out the front. It has not been the issue that the Labor Party has made it out to be.

The member for Woodridge spoke about savings. I think, if I recall, she said that it was ludicrous that governments would be wanting savings, that savings is a bad word. Tell that to the average Queensland in the honourable member for Woodridge's electorate. I would hazard a guess that the constituents in her electorate do not know the word savings because they do not have any money at the end of the day for savings because their costs of living have gone up periodically because of the Labor government. It does not just apply to the constituents of the member for Woodridge, it applies to the constituents of Kawana and those constituents right across Queensland who cannot afford to save any more because of the incompetence and financial irresponsibility of the Labor Party for the last 14 years.

The constituents in the electorate of the member for Bundamba spoke loud and clear on 24 March. I wish they had spoken just a little louder, but they did not. That is fine. But they spoke loud. I can remember conversations in this place with the member for Bundamba where she would say, 'My margin is way up there. I am the solid grassroots Labor Party. The unions are backing me.' What is your margin now?

Mrs Miller: They did!

Mr BLEIJIE: Oh, they did.

Mr DEPUTY SPEAKER (Dr Robinson): The minister will address his comments through the chair.

Mr BLEIJIE: Absolutely. Thank you for that advice. The contribution from the member for South Brisbane was another interesting but expected contribution. I have said in this place, and I will say it again, I am getting increasingly worried about the member for South Brisbane. She is so far left of Karl Marx that she would do a full circumference and hit him on his right-hand side. The member for South Brisbane brought up the Joh days. A lot of Queenslanders would not even know those days. The only people who have not got out of those days are the seven opposite. I think Queenslanders were trying to send a message on 24 March that Queensland has moved on from that time. Obviously the seven members have not. In particular the member for South Brisbane has not moved on. Then out of the mouth of the member for South Brisbane we heard Work Choices—not unexpected, highly likely.

Rounding off the opposition contribution tonight was the member for Bundamba herself. I think it was the member for Condamine who made an interjection during the debate that she used to be such a nice person in the 53rd Parliament. I would not dispute that, but I do think that the attitude of the member for Bundamba in this parliament is actually quite embarrassing. She followed through with the rhetoric of the Deputy Leader of the Opposition with respect to we left it off the agenda at the election. What we had on the agenda at the election was cost of living and growing a four-pillar economy in Queensland. To start paying down this over \$2 billion deficit, plus this \$85 billion debt, we needed to get those issues happening and get business in Queensland moving. It was not left off the agenda. Queenslanders knew that they were electing a government that wanted more in the pockets of the taxpayer and less in government expenditure and expenses.

I will put it this way—as simplistic as I can for the seven opposite and I do hope they understand—if Queenslanders see a government being irresponsible with their hard-earned taxes then they have no faith in that government; they have no faith that they will one day have lower taxes, lower car registrations. We gave them that faith on 24 March, we gave them that hope and they have placed their faith in us.

The member for Bundamba made probably the most interesting statement that I heard in this whole debate. It was that Labor stands by the unions. Where was the member for Bundamba during the asset sales? The member for Bundamba voted for the asset sales. The member for Bundamba cuddles up to the unions and says, 'I'm here for you, buddy. I'm here for you,' but she came into this place and voted against the very people she swears to protect and to be friends with. I give her credit for acknowledging the fact

that it was a bad mistake. I wish the member for Bundamba had been a little more vocal at the time, but we know what happens: they get caught up in the party machine.

Mr Hopper: She has made more speeches in the last two sittings than she has in the last 10 years.

Mr BLEIJIE: I take the interjection from the member for Condamine: the member for Bundamba has made more speeches in the last two sittings than she has in her whole time in this place.

Mrs Miller: You can't count, member for Condamine.

Honourable members interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! There is too much noise in the House and there are too many interjections. Member for Bundamba, there are too many interjections in the House. If we bring it down to a reasonable volume, that would help the House.

Mr BLEIJIE: We heard that interesting contribution from the member for Bundamba.

Mr Nicholls interjected.

Mr BLEIJIE: I take the interjection from the honourable the Treasurer, who has entered the House in a timely fashion.

Mr PITT: I rise to a point of order. If the Treasurer wishes to interject, I suggest he moves back to his correct seat.

Mr DEPUTY SPEAKER: Order! I would remind the Treasurer that if he does want to interject, his seat would be the place to do that from.

Mr BLEIJIE: That was my fault because I took the interjection. I did not let the honourable the Treasurer move to his seat. My apologies, Mr Deputy Speaker. We on this side of the House understand the fundamentals of financial responsibility and accountability. That was the promise that we made to the people of Queensland.

I turn to the bill before the House, having dealt with all those important matters. As I have already told the House and as has been clear from the supportive speeches of the government members, the general objective of the bill is to modernise the Industrial Relations Act 1999 and harmonise its provisions with the Commonwealth Fair Work Act with regard to certain key enterprise bargaining procedures. Since the referral of Queensland's private sector industrial relations jurisdiction to the Commonwealth from 1 January 2010, the Industrial Relations Act 1999 is almost exclusively focused on public sector industrial relations issues. Consequently, the amendments contained in the bill are especially relevant, given the government's commitment to ensuring that our state has a Public Service that it can afford and that delivers for Queenslanders. In this regard, the bill also proposes amendments to the Public Service Act 2008 in relation to a streamlined membership of the Public Service Commission and by providing for members of the Queensland Industrial Relations Commission to use their specialised dispute resolution skills as appeals officers dealing with the review of certain decisions that affect Public Service employees.

It is proposed that the bill, as introduced into the House on 17 May, will be modified by amendments to be moved in the consideration in detail stage. The majority of those proposed amendments to the bill relate to minor matters in the Public Service Act 2008 but are nevertheless considered necessary to clarify and improve the operation of the bill and the act that it purports to amend. I would like to reiterate the specific objectives of the bill and comment on matters raised in the debate about those objectives, particularly considering members of the opposition still do not understand many of its provisions.

I note that in the last sentence of her contribution the Leader of the Opposition indicated that they will not be supporting the bill, which disappoints me immensely. However, I have handed a bunch of amendments. In fact, I think the opposition is moving more amendments than the government or than the committee recommended. They are moving some 23 amendments. On the one hand, using the words of the member for South Brisbane, this is the most vile piece of legislation since Work Choices. I think she said something similar to that.

Ms TRAD: I rise to a point of order. I did not say that. He is misrepresenting what I said. I ask for it be withdrawn.

Mr DEPUTY SPEAKER: Does the member find the comments offensive?

Ms TRAD: I find the comments offensive and ask that they be withdrawn.

Mr DEPUTY SPEAKER: The member has found the comments offensive and has asked for them to be withdrawn.

Mr BLEIJIE: I withdraw.

Mr Nicholls: So she didn't find the bill offensive?

Mr BLEIJIE: I am getting to that. I never cast aspersions about where members are—I know the rules with respect to that—however, when I did respond to the contribution of the member for South Brisbane she was not in the House, so I am happy to do it again.

An honourable member interjected.

Mr BLEIJIE: Thank you, I accept the invitation. For the benefit of the member for South Brisbane I repeat what I said to the Leader of the Opposition, which was: 'Have you recently written to Julia Gillard and asked for the same provisions to be taken out of the Fair Work Act?'

Mr Nicholls: Silence.

An honourable member: It is question time.

Mr BLEIJIE: Yes, occasionally we do this.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! There are too many interjections from those on my left and right. The minister has the call.

Ms Trad interjected.

Mr DEPUTY SPEAKER: The member for South Brisbane will cease interjecting.

Ms Trad interjected.

Mr Johnson: Chuck her out, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: Order! I call the minister.

Mr BLEIJIE: Member for Gregory, we do not want the member for South Brisbane to be kicked out. I enjoy having her in the House. I was about to educate the member for South Brisbane on two things. First, she kept referring to the 'industrial relations minister'. I am not the minister for industrial relations; I am the Attorney-General. The bill is specific in relation to the Attorney-General. We did have an industrial relations minister in the old Labor days, but we have moved on somewhat since then. Secondly, I did ask a question. I offered an invitation to the member to explain to the House whether she had written to the Prime Minister, her federal Labor friend, and spoken about what she called—and I am paraphrasing—a vile or an abominable piece of legislation. I asked whether the member for South Brisbane had written to Julia Gillard asking for the same provisions to be taken out of the Fair Work Act. I suspect not.

The member for South Brisbane is the assistant secretary of the Labor Party. Earlier today I was trawling the website of the Labor Party, the website of the member for South Brisbane and her Facebook and Twitter accounts. On the Labor Party website, the member for South Brisbane is noted as assistant state secretary. Under the heading 'Policy' there is a big policy document. I would assume that the federal Labor Party's policy somehow correlates to the Queensland Labor Party's policy, particularly as it relates to the assistant state secretary. I say to honourable members, I look forward to those seven members opposite writing to Julia Gillard tomorrow, saying, 'This terrible Attorney-General and this terrible Queensland government have a clause in this bill that gives the minister this power and we suggest that the Labor Party take it off their policy platform federally.' I suspect they will not. In fact, I say to the member for South Brisbane that, if she wants us to help, we can draft the letter and send it. All it requires is a signature. If I can save her the time—

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! There are too many interjections from those on my left and on my right.

Mrs Miller: Why don't you just table it?

Mr DEPUTY SPEAKER: Order! The member for Bundamba!

Mr BLEIJIE: I am not going to table the speech because I have not got to any of it yet. This is an important piece of legislation for Queensland. It is important that we get this legislation through as soon as we can for these enterprise bargaining negotiations that will be happening. It is in the public interest that we do so.

As I have said before, the power for the Attorney-General to issue a directive to stop protected action is not going to be used lightly. That provision, as I have indicated, is contained in the Fair Work Act—the federal legislation. I suspect that any government would use caution when using that provision. I just say to honourable members that there is a long process that we must go through before we actually reach that stage. In Queensland, even under the current IR act, there is a process of bargaining, a process of offer, a period of notification and then a period in which the employees have time to accept or reject the

offer. All that has to happen. Then, if they still cannot agree, they have a dispute and it goes to arbitration. This is not a case of me waking up one morning and all of a sudden there are strikes across Queensland and me ordering people back to work. There is a process—a legislative process—that takes place. The new process—the balloting process—is a more rigorous process and it is a fairer process. How could one argue against the independent electoral watchdog of Queensland, the ECQ, having involvement in the operation of the balloting process? I think it is fair. If employers reach a stage of negotiation and find they are just not getting any further, I think it is fair that the employee has the right to decide on their pay and conditions. What on earth could be wrong with an employee having a vote?

Mr Ruthenberg: Because it does not help the Labor Party!

Mr BLEIJIE: Exactly! What problem could anyone have with the ECQ sending out a ballot to employees and having the employees cast a vote? If there is something wrong with that—and obviously there is—

Opposition members interjected.

Mr DEPUTY SPEAKER: Those on my left will cease interjecting. The minister has the call.

Mr BLEIJIE: It is a far fairer process. As I said, the committee recommended certain things. One was with respect to the ECQ and its voting methods. I think the best way—not to confuse the matter—is to have a postal vote. The ECQ has conducted postal votes on numerous occasions. I think the honourable member for Burleigh made a good point. One member of the opposition was asking how the ECQ could handle a postal vote of 45,000 employees? As the honourable member for Burleigh indicated, the Electoral Commission has just conducted an election of over four million Queenslanders. So I think it is somewhat capable of having 45,000 ballots sent out by Australia Post.

Mr Nicholls: How many postal votes did they do during the election?

Mr BLEIJIE: Exactly! I take the interjection of the Treasurer. In fact, they probably handled more postal votes for the state election than they will for these ballots. I think that process is fair.

With respect to the government having a say to the QIRC, there is nothing mandating what the QIRC should do. All we are simply saying is that the state—the employer—will give a brief to the QIRC, an indication of where we are financially. That is not unreasonable. I will tell honourable members what would be unreasonable: if we went the New South Wales way, which is a mandated provision for the commission to take that into consideration. We have not done that in Queensland. We have not gone that far. The Treasurer was not here at the time, but I can tell him that members opposite were making all sorts of accusations of the Under Treasurer waltzing down to the QIRC and—

Mr Nicholls: Attacking the independent Treasury officers again!

Mr BLEIJIE: Yes, they were attacking the independent Treasury officers. I quite like the Under Treasurer. I like the Treasurer as well. This is for Kawana, you see. Write the cheques! I am comfortable that the independent Treasury officers of Queensland are able to put a coherent case to the QIRC about this state's financial position and its fiscal position—as they should—and the employer ought to have the ability to do that. Of course, this money does not fall out of the sky; it comes from the Queensland taxpayer. I think Queenslanders would be of the view that their money should be spent wisely and appropriately. I think the Under Treasurer will be able to provide that advice to the QIRC. As I again indicate, this is in no way demanding that the QIRC mandate to take that into consideration. It is simply there as information. We would like to think they would take it into consideration in terms of the state's ability to pay the wages. In their negotiations going forward, new governments should have the ability to structure that in a way that is financially responsible.

I thank all honourable members on this side of the House for supporting this bill. I thank particularly the new members of the House. This may have been the first bill that they have debated. I think their contribution has been great and well researched. They talked about matters of interest to their electorates and how this impacts on the state's finances. I again thank all honourable members for that. Again, I thank the opposition for their contributions, however poor they were. I still thank them.

In conclusion, the provision that allows the Attorney-General the power to order people back to work and the punishments available for that will be used lightly and reverently. It will not be an abuse of process. I simply say to those members opposite that the reason the word 'harmonisation' is in the title of the bill is because the provisions with respect to that particularly and the balloting processes are a harmonisation of federal Labor law. I am not one to ordinarily stand in this place and support federal Labor law. However, if the Labor Party saw fit to retain those provisions then one would think that the Queensland Labor Party

could see fit to at least support these. I do offer the Labor Party in the next 40 seconds the opportunity to come with us on this journey and support this bill. I call on the opposition to support this bill. If it does not support this bill tonight it is effectively voting against its Labor Prime Minister. It is voting against its federal Labor Prime Minister whose policy is in stark contradiction to the opposition's position. On the one hand we have state Labor advocating for something and on the other hand we have the federal Labor Party advocating for something else. I simply say: let the circus get their act together and support this bill.

(Time expired)