




Speech By
Robbie Katter

MEMBER FOR MOUNT ISA

Record of Proceedings, 19 November 2013

**INDUSTRIAL RELATIONS (FAIR WORK ACT HARMONISATION NO. 2) AND
OTHER LEGISLATION AMENDMENT BILL**

 **Mr KATTER** (Mount Isa—KAP) (8.38 pm): I rise to speak to the Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Bill 2013. The bill before this House reinstates the dichotomy between workers and employers, thus creating a division or contrast between two things that are or are represented as being opposed or entirely different. In this bill it appears that the government is determined to objectify the worker and limit their possibilities whilst granting freedom, responsibility and unlimited possibilities to employers. This bill constructs the subjectivity of the workers and turns the worker into an object which can be utilised and manipulated at the discretion of the employer.

In the content of the bill, workers are having their responsibility limited, which limits their freedom to choose. The content of the bill suggests that the government is acting in bad faith by limiting and restricting the freedom, responsibility, choice and possibilities of Queensland workers. The first possibility to be limited by this bill is the workers' choice to access collective bargaining within the Queensland jurisdiction. Collective bargaining is based in the International Labour Organisation standards Right to Organise and Collective Bargaining Convention 1949, which mandates—

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Unlike this bill, the mandate was adhered to under the Fair Work Act 2009, thus creating a harmonious balance between all the stakeholders of the industrial relations framework. This bill before parliament has been developed to implement a division between the industrial relations stakeholders and plays on the fact that the government are unrestricted and unaccountable due to their majority in the House.

Let this term of majority be a hard lesson to the Queensland people in how absolute power corrupts. It is interesting to note that the government who has absolute power in the parliament has openly admitted in the bill's explanatory notes that the proposed award modernisation process is similar to that set out in part XA of the repealed Workplace Relations Act 1996, which was the policy implemented by the Howard government. Unlike the present majority government and the non-existence of a Senate within the Queensland parliament and, moreover, in comparison to the bill, the Howard government had to work in with a government minority in the Senate, negotiating an agreement with the Democrats to enable the legislation to pass through the Senate.

Thus we are witnessing the introduction and implementation of the Newman government's industrial relations reforms, making the Howard government's 2005 Work Choices legislation look like a walk in the park. There is minimal flexibility in this bill for the Queensland worker. Moreover, the greater flexibility lies with the employer. The Newman government is signalling to the Queensland workforce that you have no choice, no freedom, no responsibility. Thus you have to do what the

government tells you because the government creates the legislation that limits the Queensland workers' choice, freedoms, responsibilities and possibilities.

I acknowledge and agree with one of the submissions that raised areas of concerns within this bill such as proposed section 71BA, which constitutes a deliberate removal of existing entitlements from award-free employees. Another section that was referred to provides that the penalty for employers not covered by a modern industrial instrument for working a public holiday is ordinary time. Another section referred to contains a provision that would allow for regulation to remove an employee from an entitlement to redundancy pay. Another section referred to provides that the concept of a high-income senior position is created for employees earning over \$129,300. The last section referred to provides that medical practitioners will be compelled into contracts that remove existing rights but will not be entitled to any recompense if the new arrangements are not acceptable. These are examples of concerns relating to the content within this bill which exposes the arrogance which the bill has been derived from which actively disregards its working population with a stroke of a legislative pen.

The content within this bill punishes the workforce and places workers at odds with their employers. The government fails to understand the relationship between a worker and an employer is a two-way street. Moreover, this bill has erected a one-way sign which allows the employer to drive along without any concern for oncoming traffic. In this bill the government fails to understand the meaning of good faith—good faith being based in the choice one makes for the freedom of humanity, whilst bad faith being a choice which limits the freedom of humanity.

Mr Crandon interjected.

Mr DEPUTY SPEAKER (Mr Berry): Member for Coomera, please.

Mr KATTER: The Newman government continually makes legislative choices which limit humanity's freedom. Moreover, this bill limits Queensland workers' freedoms to choose, which in turn takes away their responsibility.