




Speech By
Hon. Curtis Pitt

MEMBER FOR MULGRAVE

Record of Proceedings, 7 May 2015

INDUSTRIAL RELATIONS (RESTORING FAIRNESS) AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. CW PITT** (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.35 am): I present a bill for an act to amend the Industrial Relations Act 1999 and to make amendments to the legislation mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015 [385].

Tabled paper: Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015, explanatory notes [386].

Three months ago, the people of Queensland kicked out an arrogant and out-of-touch government because it did not listen to or support workers and their families. Contrary to telling government workers that they had nothing to fear from an LNP government, within six months of gaining power the Newman LNP government betrayed its own employees by exercising its massive majority to remove a range of employment conditions that helped ensure an impartial Public Service. It ruthlessly sacked 24,000 employees across the public sector, destroyed the fabric of our Public Service and damaged confidence in the traditions of our Westminster system of government. The LNP stripped away vital safeguards and conditions from Queensland workers, including state and local government workers. It rewound Queensland's IR system and set it back to the dark old days of Joh Bjelke-Petersen. Joh would have been proud. Today the Palaszczuk government puts fairness back into Queensland's industrial relations system and starts to repair the damage done by three years of disgraceful LNP government changes to the working conditions of many government workers.

The Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015 gives effect to the government's election commitments and priorities for industrial relations reforms. This bill abolishes those aspects of the LNP's industrial relations system that, if allowed to continue, would have irrevocably damaged the state's IR system and undermined the government's commitment to restoring fairness for government workers.

The bill I am introducing today seeks to amend the Industrial Relations Act 1999 to, one, restore the conditions of employment in awards and agreements covering state government employees that were made unenforceable by the LNP, including job security, contracting out protections, union encouragement, organisational change, policy incorporation, private practice, resource allocation to and restrictions on termination change and redundancy—the TCR provisions—and giving personal employee information. Two, re-establish the independence of the Queensland Industrial Relations Commission—the QIRC—by removing the unfair requirement that the QIRC must consider the employer's financial position and fiscal strategy as part of the public interest in wage arbitration matters. The LNP's amendments were an abuse of power because the act already

sufficiently contemplates such matters and gives the QIRC latitude to take account of such considerations. These amendments tilted the bargaining and industrial relations arrangements in the government's favour in circumstances where the government is the employer.

Three, return the QIRC to a layperson's tribunal where workers and union advocates operate on a level playing field with their employers by removing provisions that were introduced by the LNP that allowed legal representation without the consent of all parties. Four, remove prohibitions on qualifications on content that can be included in a modern award or certified agreement in the future. This means that the previous prohibitions on content identified as non-allowable in modern industrial instruments, modern awards and modern certified agreements will be gone. Five, remove the notice requirements for an authorised industrial officer to enter a workplace and exercise rights under the IR Act. The notice requirements are overly bureaucratic and do not support a genuinely cooperative relationship between employers, unions and the workers they represent.

The right of entry under the IR Act will be returned to the way it was prior to the former government's amendments. The bill ensures that, into the future, modern awards provide fair and just employment conditions. Under the circumstances, an immediate response was required by the government and I suspended award modernisation on 17 March 2015 to allow for consultation with stakeholders on the process and the outcomes to date. Upon passage of the bill, award modernisation will be continued and those awards that have not been modernised will be done under the amended industrial relations arrangements.

The bill removes the requirement on the commission to complete award modernisation by December 2015. The bill amends the modern award objectives to remove the explicit requirement of the commission to have regard to an employer's financial position and fiscal strategy considerations when modernising or varying an award. The bill seeks to stop the commission from certifying any new agreements from the date the bill is introduced until after the amendments are passed and the underpinning award or awards are modernised.

Ten modern awards were made prior to the suspension. These are the Queensland Local Government Industry Award 2014 and nine other awards in the state government sector. Concerns have been raised that employees subject to these modern awards and certified agreements are disadvantaged because of the loss of conditions as a consequence of award modernisation and by restrictions on what could be bargained for in their certified agreement.

For those awards modernised under the LNP's restrictive regime, the bill requires that the QIRC must review and vary the modern award in light of the amended act. This means the commission must: remove the previously mandated clauses, and any ancillary provisions; insert a new dispute resolution clause meeting the amended act requirements; include in the modern award any provisions that were in the premodernisation awards about union encouragement, union delegates, right of entry and termination change and redundancy—TCR.

For any other provisions that were in a premodern award and were omitted or changed during the modernisation process, the commission must reconsider the omission or change in light of the amended framework for award modernisation and the submissions of the parties. Also, where there has been significant change to the number of awards covering an industry—for example, the local government industry, which went from 18 awards to one award—the bill requires the commission to re-examine the matter of coverage. The bill provides that the commission can increase the number of awards covering the industry if it considers it appropriate to do so.

Seven modern agreements have also been certified under the LNP's restrictive bargaining regime. There are four in local government and three in state government. For those modern agreements certified to date, the bill will impose a new nominal expiry date set three months following the variation of the underpinning modern award. The bill makes clear that bargaining for the new agreement is taken to have commenced upon the variation of the modern award.

We have prioritised the changes in this bill because of the ongoing, day-to-day, adverse effects the LNP's laws are having on hardworking government staff in this state. We have worked quickly to make the necessary changes to bring an end to this unfair situation. We welcome the input on these urgent changes that we have received from stakeholders to date, and are dedicated to continuing consultation and engagement with all stakeholders as the government looks to make amendments.

The government is committed to ending unreasonable and unfair contracts for doctors and reinstating the right for all doctors to collectively bargain. We will do this by repealing the LNP's 2013 amendments which mandated contracts for all senior medical officers, SMOs, and precluded SMOs from rights to unfair dismissal under the act. The government will look to make amendments that restore the rights of SMOs to have a say in their industrial conditions and negotiate important changes collectively without the fear of unilateral changes to their contract.

These changes are necessary because the former government's attacks on Queensland workers were so extreme and unfair. They attacked the day-to-day conditions and take-home pay of hardworking Queenslanders. Under the guise of harmonisation with the Fair Work Act, their changes, in reality, not only stripped away current employee rights but also prevented workers from negotiating their conditions into the future. That clearly was not fair—in fact it was downright mean-spirited and was one of the reasons that hardworking, fair-minded Queenslanders turned their backs on the LNP.

Workers have earned their rights to fairness and equity in the workplace over the last 125 years and the LNP tried their hardest to take them away in one term of government. The Palaszczuk government is restoring fairness to workers in the state's industrial relations system.

First Reading

Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.44 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Finance and Administration Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

Portfolio Committee, Reporting Date

Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.44 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Finance and Administration Committee report to the House on the Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill by 1 June 2015.