




Speech By
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MEMBER FOR TOOWOOMBA SOUTH

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INDUSTRIAL RELATIONS BILL

 **Mr JANETZKI** (Toowoomba South—LNP) (8.25 pm): I rise tonight to make a contribution to the Industrial Relations Bill 2016 and, like my fellow LNP colleagues, to oppose the bill. I will be opposing the bill on two grounds—one is on economic grounds and one is on legal grounds, in particular, adverse action. I will start with the economic grounds. Here we have another piece of legislation by a government backing union dominance in the workplace which will embolden highly paid union officials to exercise ever greater influence and control over the Queensland industrial relations landscape. That influence and control is damaging to Queensland's economy, particularly when that influence and control is wielded by the CFMEU in Queensland.

There was a recent *Sunday Mail* report that caught my attention. I believe it was last month. In this *Sunday Mail* report there was an anonymous contractor who had spoken with the *Sunday Mail*. This contractor had said that he would be excluded from 70 per cent of major construction projects around Brisbane simply because builders were afraid to engage non-union subbies. In this same report the Master Builders spoke about productivity in the Queensland construction sector. There they talked about costs rising by up to 30 per cent if the CFMEU was engaged in a particular project.

Ms Grace interjected.

Madam DEPUTY SPEAKER (Miss Barton): Order! The member for Toowoomba South is not taking your interjections. The member for Toowoomba South has the call.

Mr JANETZKI: This is as a result of higher wages and costs associated with stoppages. This same project would cost \$30,000 less. The real economic impact and the malevolent damage this can do on the Queensland economy is made clear when we start considering what this means for first home buyers in Queensland. What this means for first home buyers—

Ms GRACE: Madam Deputy Speaker, I rise to a point of order. I cannot let this go on. I am claiming relevance here. We are talking about something that the legislation actually does not apply to. It does not apply to the private sector. Everything that is being said is irrelevant to a bill that only applies to the public and local government sector. I seek your ruling on relevance.

Mr JANETZKI: Madam Deputy Speaker, I believe this is relevant to the bill at hand. We are talking about registered organisations under the act. Therefore, I believe that any comment in relation to registered organisations under the act is relevant to this debate.

Madam DEPUTY SPEAKER: Order! I will listen very carefully to what the member is saying. I would ask that you do contain your comments to the long title of the bill and make sure that what you are saying is relevant and that you demonstrate the relevance of that to the House.

Mr JANETZKI: Thank you, Madam Deputy Speaker. What we have here now is first home buyers in Queensland observing for the first time that they just do not need to worry about interest rates or whether mum and dad can go guarantor for a loan but they now need to consider whether a trade union—in particular, the CFMEU—has been involved in the construction of this unit.

Beyond this, for the economic argument as to why this particular bill emboldens trade unions, and the CFMEU in particular, to the economic detriment of our state of Queensland, we only need to look at ABS statistics released in early November that show building approvals are down 11.7 per cent in September, and 31½ per cent from September 2015. Housing approvals have declined for eight months in a row. It is no coincidence that in the CommSec *State of the states* we are third last on unemployment, sixth on economic growth, business investment and overall economic performance, and last on construction. I think that is entirely relevant, because what we are seeing with this bill is an emboldening by this government of the trade union movement to the economic detriment of our state.

What I would like to turn to now is the legal element of this bill which concerns me the most and it relates to adverse action. Adverse action under this bill relates to the expansion of freedom of association protections to include new general protections to allow public sector employees to bring adverse actions. As the minister has interrupted during the evening, they do mirror the 2009 Fair Work Act provisions. Let us not forget that the Fair Work Act provisions—the adverse action provisions—were hastily added to the bill under that very happy relationship between Julia Gillard and Kevin Rudd. What we saw there with the Fair Work Act provisions was a quid pro quo to the trade union movement which bankrolled the Work Choices campaign. What we saw there with the Fair Work Act and the introduction of the adverse action provisions we are now seeing introduced into Queensland.

Let us reflect on what adverse actions actually mean. Adverse action is defined as any deleterious action affecting an employee that is taken by an employer for a prohibited reason. The member for Kawana in his remarks tonight spoke about the possibility of a DG in the Queensland Public Service sending a Christmas card to one particular employee but not to another.

Honourable members interjected.

Madam DEPUTY SPEAKER (Miss Barton): Order! I am struggling to hear the member for Toowoomba South. I remind the member for Logan that he received a warning not long before dinner. I call the member for Toowoomba South.

Mr JANETZKI: The first thing that we need to remember about the introduction of adverse action is that it reverses the onus of proof. If it is one thing that the Labor Party loves to do, it is reverse the onus of proof. Just ask Queensland farmers who were recently faced with a Vegetation Management Act that criminalised Queensland farmers. They actually went beyond that to eradicate mistake of fact. This is a government that has form on reversing the onus of proof.

We have the Fair Work Act in place federally. Again, the minister has referred to this tonight. It is simply mirroring the provisions. I think we need to examine the adverse actions and what has happened in the federal jurisdiction. Over 2013 and 2014, year on year we have 17 and 18 per cent increases in adverse action proceedings, and we have a recent Queensland decision that relates to a Central Queensland mine where an employee in that mine received a \$1.3 million payout under an adverse action proceeding. What is not commonly known is that in that proceeding which was a Federal Court proceeding there was another party—

Honourable members interjected.

Mr FURNER: Madam Deputy Speaker—

Madam DEPUTY SPEAKER (Ms Farmer): Order! Just a moment, member for Ferny Grove. There is an increasing level of conversation in the chamber including members who are having a chat across the aisle. I ask members to keep their conversations to a minimum so we can hear the member. Now I will take the point of order from the member for Ferny Grove.

Mr FURNER: Madam Deputy Speaker, I rise to a point of order. I refer to standing order 236 on relevance. Quite clearly, the member is completely off the track on this bill and is referring to federal matters under Work Choices. I ask you to—

Honourable members interjected.

Madam DEPUTY SPEAKER: Order! Honourable members! Member for Ferny Grove, have you finished?

Mr FURNER: I was making the point that the member is completely off track in talking about matters related to Work Choices legislation which, as you would know, is federal legislation, not the state legislation before us.

Mr BLEIJIE: Madam Deputy Speaker, I rise to a point of order. The long title of the bill is 'for an act relating to industrial relations in Queensland'. The member is speaking about the inclusion of adverse actions which are copied from the federal legislation but they are included in this bill. The minister herself has referred to the provisions being the same provisions in the fair work legislation. The member is talking about adverse actions being included which are specifically debated in this bill tonight.

Mr RICKUSS: Madam Deputy Speaker, I rise to a point of order. I think that the member for Ferny Grove getting up and taking a point of order is quarrelling. Under standing order 246, quarrelling is not permitted and I think that is what the other side is doing.

Madam DEPUTY SPEAKER: Order! There is no point of order. This is a debate that is going to engender quite passionate arguments on both sides of the chamber. I remind all members to refer to the long title of the bill and make their comments relevant. If I think members on either side of the chamber are straying off track, I will ask you to point out to me in what way you are being relevant. I call the member for Toowoomba South.

Mr JANETZKI: Thank you, Madam Deputy Speaker. I will continue my reflections on adverse actions which are being proposed to be included in the Industrial Relations Bill 2016. We have a significant Federal Court decision relying on the federal provisions that relate to adverse action proceedings. What we saw in that particular case was another payment that was ordered by the Federal Court and that other penalty order payment was ordered by the Federal Court to none other than the CFMEU. What we now have is the possibility of Queensland taxpayers' money being paid to trade unions for their involvement in adverse action proceedings—the penalty order payment that was ordered by the Federal Court that was ordered to be paid to the CFMEU.

What we are going to see now is the floodgates opening and trade union officials taking every last bit out of the system that they can. I have to give them full credit because they are going to be looking at diversifying their income. Their trade union membership is catastrophically in decline. Like any good business, they are looking for diversity and an income stream, and adverse action gives them that possibility.

There are other stakeholders who love adverse actions and are very interested in it. Maurice Blackburn are very interested in adverse action. That nursery of Australian prime ministers, Slater and Gordon, is interested in adverse action. What we are now going to see is the floodgates open in the Queensland public sector industrial relations system to trade union officials and other stakeholders which stand to gain. It is enough to send a shiver down the spine of local government, as we have heard from other speakers here tonight. It is enough to send a cold shiver down the spine of small business in this state, and I believe it is enough to send a shiver down the spine of every hardworking man and woman who is a rank-and-file member of a trade union and every hardworking Queenslanders across this state.