




Speech By
Hon. Grace Grace

MEMBER FOR BRISBANE CENTRAL

Record of Proceedings, 1 September 2016

INDUSTRIAL RELATIONS BILL

Message from Governor

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (3.00 pm): I present a message from Her Excellency the Acting Governor.

Madam DEPUTY SPEAKER (Ms Farmer): The message from Her Excellency recommends the Industrial Relations Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

INDUSTRIAL RELATIONS BILL 2016

Constitution of Queensland 2001, section 68

I, CATHERINE ENA HOLMES, Acting Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act relating to industrial relations in Queensland, to repeal the Industrial Relations Act 1999, to amend the Anti-Discrimination Act 1991, the Holidays Act 1983, the Hospital and Health Boards Act 2011, the Magistrates Courts Act 1921, the Ombudsman Act 2001, the Public Guardian Act 2014, the Public Service Act 2008, and the Workers' Compensation and Rehabilitation Act 2003, and to amend the Acts mentioned in schedule 6 for particular purposes.

(Sgd)

ACTING GOVERNOR

Date: 1 SEP 2016

Tabled paper: Message, dated 1 September 2016, from Her Excellency the Acting Governor recommending the Industrial Relations Bill 2016 [[1436](#)].

Introduction

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (3.00 pm): I present a bill for an act relating to industrial relations in Queensland, to repeal the Industrial Relations Act 1999, to amend the Anti-Discrimination Act 1991, the Holidays Act 1983, the Hospital and Health Boards Act 2011, the Magistrates Courts Act 1921, the Ombudsman Act 2001, the Public Guardian Act 2014, the Public Service Act 2008, and the Workers' Compensation and Rehabilitation Act 2003, and to amend the acts mentioned in schedule 6 for particular purposes. I table the bill and explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Industrial Relations Bill 2016, Volume 1 (Chapters 1 to 11) and Volume 2 (Chapters 12 to Schedule 6) [[1437](#)].

Tabled paper: Industrial Relations Bill 2016, explanatory notes [[1438](#)].

It is with great pleasure that I rise to introduce the Industrial Relations Bill 2016. The Palaszczuk Labor government made a commitment to Queenslanders that we would restore fairness to the state's industrial relations jurisdiction. Today we deliver once again on that commitment. Queenslanders want fairness and balance in their industrial relations laws, and that is what they will get under this government. This bill will wipe away the last vestiges of the former Newman government's unfair and unbalanced industrial relations laws in Queensland. The LNP's laws stripped away the hard-fought and won employment conditions of state and local government workers. Its laws failed to respect the rights of workers to collectively bargain with their employer for their wages and conditions. They tied up registered industrial organisations in expensive and ineffective red tape. Its laws made it harder for workers to be represented in their workplaces. These were the laws that were engineered by the member sitting opposite, in particular the member for Kawana, without any proper consultation.

In line with our election commitments, in March 2015 the government established an independent review of the state's industrial relations laws and tribunals to provide recommendations for fair and balanced reform. This was the first major review of the state's industrial relations laws since 1998 when Professor Margaret Gardner oversaw a review that ultimately led to the current Industrial Relations Act 1999, an act that was introduced by one of my predecessors, the Hon. Paul Braddy. The review was conducted by an independent reference group headed by Jim McGowan AM, a former director-general in the Queensland public sector with extensive industrial relations experience. It included key industrial relations stakeholders from across the spectrum, including representatives of unions and employer organisations, the Queensland Bar Association, the Law Society, government agencies and the Local Government Association of Queensland. This inclusive approach demonstrated that the best means to develop and implement genuine industrial relations reform is to bring all parties together.

Following an extensive process of public consultation, the final report of the reference group, *A review of the industrial relations framework in Queensland*, was published on 4 March 2016 and it made 68 recommendations for reform. The recommendations provide a sound foundation for a modern, fair and balanced system of industrial relations here in Queensland and those recommendations are reflected in the bill before the House today. The Industrial Relations Bill 2016 provides the framework for the state's industrial relations jurisdiction that is fair and balanced and which will support the delivery of high-quality services, economic prosperity and social justice for Queenslanders. The Industrial Relations Bill 2016 will replace the Industrial Relations Act 1999 and regulate Queensland's industrial relations jurisdiction. I remind the House and those opposite that the state industrial relations jurisdiction covers essentially the state public sector and local government. The private sector is now covered by the national industrial relations system as a result of the hostile takeover by the Howard government in 2005 and the further referral of powers by the state government in 2010.

The bill establishes the key defining features of the state industrial relations system. These are a set of minimum employment conditions and standards; collective bargaining as a cornerstone for setting wages and conditions; a set of individual rights to fair treatment; effective, transparent and accountable governance and reporting obligations for all registered industrial organisations and employer associations; and a strong and effective independent umpire. This bill demonstrates the government's commitment to consultation by providing for a high-level consultative forum for stakeholders to discuss Queensland's industrial relations laws and related matters. This reflects our view that a fair and balanced industrial relations system in Queensland rests upon communication and genuine consultation between government, local government, agencies, employees and their unions.

The bill gives effect to the bargaining model developed in the report of the review panel, placing the emphasis on the parties to reach agreement through good faith bargaining and for the commission to assist the parties to reach agreement through conciliation. Arbitration will be available as a last resort only when an agreement cannot be reached. The bill recognises the rights of parties to take protected industrial action in pursuit of their bargaining claims and ensures that the members of an industrial organisation have their say when it comes to taking that action. The bill revises the regulation of registered industrial organisations consistent with the recommendations of the report. All members of the review panel recognised the importance of strong, effective and transparent governance, accountability and reporting obligations for all—and I repeat for all—registered organisations.

In line with the recommendations of the review, the provisions in this bill promote democratic control of organisations and good governance by ensuring that reporting, training and other obligations are directed at ensuring accountability to members rather than unnecessary and unproductive red tape. The bill will see employer and employee organisations are treated equally and makes the financial reporting requirements for industrial organisations and the training requirement for officers with financial management duties similar to those of the Fair Work (Registered Organisations) Act 2009. This will assist those organisations with counterpart federally registered bodies manage their administrative

burden while ensuring registered organisations in this state are accountable to their members. The bill further provides the Industrial Registrar as an independent statutory officer with the authority to investigate suspected breaches of industrial organisations' obligations.

The bill introduces significant new protections for workers in the state jurisdiction. I am proud to report to this House that the bill fulfils the government's commitment to provide paid leave for victims of domestic and family violence recommended in the *Not now, not ever* report by Dame Quentin Bryce into the scourge of domestic and family violence. Queensland is leading the way by being the first state to put this entitlement into law. In addition, the bill will establish a general protections jurisdiction to protect workers against adverse action taken during employment or leading to dismissal from employment and a system to address workplace bullying the same as that which is available to private sector workers under the Fair Work Act.

The bill also aligns Queensland's minimum employment standards with the national employment standards for parental, carers and compassionate leave and the requirement to give an information statement to an employee when they start work. The bill also introduces a right for all workers to request flexible work arrangements. This will give workers the ability to better find that balance between their work and the rest of their daily lives.

In regard to strengthening Queensland's industrial tribunals, the bill provides the QIRC with exclusive jurisdiction to deal with all workplace related anti-discrimination matters, including those taken under the Anti-Discrimination Act 1991. These matters will still go to the Anti-Discrimination Commission Queensland in the first instance but, if they cannot be resolved through conciliation and they are work related, the matter will be referred to the Queensland Industrial Relations Commission.

The bill also amends legal representation arrangements in line with the recommendation of the review so that representation by a lawyer or other paid agent in the QIRC is only permitted with the leave of the commission. In considering whether to grant leave, the commission is required to consider how complex a matter is and whether it is unfair not to allow legal representation. Under the bill, legal representation will not be permitted at all in enterprise bargaining arbitration matters before the full bench and only with the consent of all parties in wage recovery action in the Magistrates Court or in the commission. This strikes the appropriate balance between maintaining the commission as a layperson's tribunal while recognising the need for legal representation to be an option in more complex legal matters.

The bill also amends the Public Service Act 2008 to ensure there is no overlap in the directive-making powers of the Minister for Industrial Relations and the Public Service Commissioner. Other state government employing acts are amended to ensure these do not impede the rights of employees to have access to enterprise bargaining for their terms of employment. The bill also enables the Industrial Registrar to partition the local government industry modern award into three awards. This will be based on the three occupational streams in the new local government award to be made in accordance with my award modernisation ministerial request of 6 June. This partitioning is an administrative function only to assist employers and workers by making the award more user-friendly.

I note the significant progress that has been made by the parties with the assistance of the QIRC. The QIRC issued an interim award today with the three occupational streams in line with my ministerial request, which was recently confirmed by the Supreme Court. I encourage parties to continue that good work and welcome ongoing constructive discussions.

Additionally, this bill also includes an amendment to the Holidays Act 1983 to make Easter Sunday a public holiday from 2017. Declaring Easter Sunday as a public holiday will bring Queensland into line with New South Wales, Victoria and the Australian Capital Territory where Easter Sunday is already a public holiday. The change recognises the religious and cultural significance of Easter Sunday and will ensure that work on Easter Sunday is treated and remunerated in the same way as the Good Friday, Easter Saturday and Easter Monday public holidays that surround it.

As announced yesterday, alongside our decision to declare Easter Sunday a public holiday in 2017, the government will also be conducting a review of the state's retail trading hours arrangements under the Trading (Allowable Hours) Act to be chaired by QUT School of Justice Associate Professor and former Speaker of this House John Mickel. The review will report back with recommendations in time for the proposed new Easter Sunday public holiday in 2017.

As I said, I am proud to introduce this bill to the House. It delivers on the Palaszczuk Labor government's commitment to restore fairness to Queensland's industrial relations system and industrial laws. It follows a comprehensive review of the state's industrial relations laws, the first in nearly 20 years. Since then, there have been significant changes to Queensland's industrial relations landscape, such as the fact that these laws will largely cover public sector workers and local government. The new Industrial Relations Bill reflects these changing realities while delivering on one of our key election commitments to create fairer workplaces in Queensland. I commend the bill to the House.

First Reading

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (3.14 pm): 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 Farmer): Order! In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

Portfolio Committee, Reporting Date

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (3.15 pm), 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 Bill by 28 October 2016.