




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 30 November 2016

INDUSTRIAL RELATIONS BILL

 **Mr WEIR** (Condamine—LNP) (8.04 pm): I rise to make a contribution to the Industrial Relations Bill 2016 as a member of the Finance and Administration Committee. Firstly, I thank the other members of the committee: the member for Mermaid Beach, the member for Gregory, the member for Sunnybank and chair of the committee, who is not here tonight, the member for Bundamba and the member for Stretton, who, as he said in his speech, is leaving us now. He and I were the only original members of the Finance and Administration Committee—

Mr Pegg: You are the last man standing.

Mr WEIR: I am the last man standing; that is right. The member for Stretton has gone off to chair the agriculture committee, which is probably not a position I ever saw him in, but that is where he is. I wish him all the best. I thank our research director, Amanda Honeyman, for all the hard work that she does. This was a very large bill.

During the committee process into this bill, as with so many other bills that the Palaszczuk government has brought before the House, the first thing that became apparent was the lack of consultation. Once again we have before the House legislation that has the full support of the union bosses who were consulted, as opposed to the business community and local government, which are against the legislation and have been largely left out of the consultation process. This bill seeks to make amendments to modern employment conditions, including compassionate leave incorporated into bereavement leave with two days at full pay, plus unpaid leave to travel, if necessary, for employees other than casual employees; and parental leave and related entitlements with regard to surrogacy entitlements. The bill also adds new standards, such as an information statement to any new employee setting out workplace rights and basic entitlements, minimum weekly hours at 38 hours for full-time employees, a right to request flexible working arrangements for all employees, emergency services leave, domestic and family violence leave of up to 10 days per year with full pay for employees other than casual employees, and carers leave to support and care for a person affected by domestic and family violence.

We would all agree that domestic violence is a blight on our society and support should be given to anyone suffering from that abuse. However, these amendments raise some unanswered questions. Domestic violence takes many forms. It is not confined to broken bones and bruises. Verbal, sexual and psychological abuse is just as damaging as any physical attack but is much more complicated to prove. During the committee hearings I asked Mr Bill Potts, the President of the Queensland Law Society, what proof would be required to support a claim for leave under verbal, sexual or psychological abuse circumstances. He was unable to supply the committee with an answer. Mr Potts acknowledged that it was not defined in the legislation and was a grey area. The 10 days leave for the carer of a victim of domestic violence is another area that will be difficult to police and could possibly even be open for abuse. Whilst the amendment may be well intentioned, what evidence needs to be supplied to access the paid leave, particularly given that the person claiming the leave need not be a member of the victim's immediate family?

As the member for Stretton mentioned, today many of us took the pledge for White Ribbon Day. I have serious concerns about this issue. I think it is a disgrace that it is in this bill. I think it was put there for political purposes. I think the first thing that we will read tomorrow is that because the LNP voted against this legislation we voted for domestic violence. There are so many questions around what actually determines domestic violence and carers leave and they could not be answered in the committee process. Those questions could not be answered by Bill Potts of the Law Society. They could not be answered. It is a great idea and we fully support it, but this is not a finalised article. That should have been put in a standalone bill. It is a disgrace that it is not. The Local Government Association of Australia expressed concern about the 10 days carers leave citing cost concerns.

As I stated earlier, the intention of the bill may be good, but due to a lack of consultation in the formation of the bill there would seem to be more questions than answers as to exactly how these amendments would work in practice. Likewise, there is the same issue with the amendments to clause 27 of the bill which propose to establish a right for all employees to ask for flexible working arrangements based on provisions in the Fair Work Act. This means that an employee can ask an employer for a change in the ordinary hours of employment, a change in the way an employee works or a change in the place of employment as a result of disability, illness or injury. The request must be in writing and explain the reason for the requested change.

If the employer cannot accommodate this request, they must supply an answer that would constitute reasonable grounds for the refusal of the request for flexible working arrangements. This raises the obvious question: what constitutes reasonable grounds? The Queensland Law Society sought amendments to the flexible working arrangement provisions in the bill to include further guidance on what may constitute reasonable grounds for the refusal of a request for flexible working conditions. The Queensland Law Society stated—

... the bill does not provide any guidance on what a reasonable ground may be to refuse a request. In our submission, that makes it somewhat difficult for employers to have any certainty over whether they are on good or shaky grounds when they are refusing a request.

The employee, under these amendments, will have a right to appeal if their request for flexible working arrangements is refused. Given that during the committee process no-one could explain what 'reasonable grounds' actually means, this looks like turning into a lawyers picnic. This is another poorly thought out amendment, due once again to the lack of consultation with anyone other than their union masters.

The next part of the bill that I will speak to is the amendments under chapter 18, clause 995, which change the Queensland local government award from a single award to three awards. This amendment is strongly opposed by the Local Government Association of Queensland. The LGAQ stated that the proposed amendment is completely unacceptable to local government as it will reduce the capacity of councils to maintain a local and viable workforce. The award system for Queensland local government has been considered twice previously by the Queensland Industrial Relations Commission and it concluded that a single award would be the most suitable.

In their submission to the committee, the LGAQ stated that 'councils would have difficulty maintaining their current workforce levels due to increasing economic challenges confronting local government'. They further stated—

The councils who have gone to the single modern award actually recorded an increase in job numbers. The councils who remained under the old system, with its myriad of conditions, continued to record a stronger decrease in job numbers.

It will come as no surprise to many in the House that these amendments are supported by the Labor Party masters, the CFMEU.

These amendments are of the utmost concern to local government, which is a major employer in regional Queensland. Many of the residents of these regional towns and communities are dependent upon local councils for employment. It is difficult to find employment in many of these small towns and communities at the best of times. This is another section of the bill that has lacked consultation with any stakeholders apart from the unions.

The last section of the bill that I would like to discuss is the addition of Easter Sunday as a public holiday. The consultation around this provision in the bill is probably the worst example of consultation—and from what members have already heard that is saying something. The Chamber of Commerce & Industry Queensland stated that they were formally advised of the decision by the state government to include Easter Sunday in the schedule of public holidays in the Industrial Relations Bill 2016 by a phone call from the deputy director-general of the Department of Justice and Attorney-General at 6 pm on Thursday, 25 August 2016. We need to bear in mind that this bill was introduced into the House on 1

September. An urgent meeting was then held with the Minister for Employment and Industrial Relations, the Hon. Grace Grace. CCIQ received confirmation that the decision had been made by the state government and there would be no consultation on the decision.

This is nothing short of astounding. The business community—the ones that will be most impacted by the increased costs, which many will have to endure—were completely excluded from any discussion. This is truly unbelievable even by this government's standards. The estimated cost to the Queensland economy, as stated in the explanatory notes, is estimated to be up to \$80 million. The additional wages cost to the public sector is estimated to be between \$5 million and \$13 million. In their submission, CCIQ stated—

The change will cause significant costs to business and lead to job losses. The LGAQ also stated that the addition of Easter Sunday as a public holiday will incur additional costs on councils.

It is small business, particularly in the hospitality and tourism sector, that will wear the extra costs that will result from this added impost. The Palaszczuk government has once again proven that it is no friend of small and family owned business.

There are many other clauses in this bill that we disagree with. As I stated, we will be opposing the bill. I say again that I think it is disgraceful that the domestic violence provisions were put in this bill. That was done for purely political gain and I think it is despicable.