




Speech By
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MEMBER FOR HERVEY BAY

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INDUSTRIAL RELATIONS AND OTHER LEGISLATION AMENDMENT BILL

 **Mr TANTARI** (Hervey Bay—ALP) (5.48 pm): I rise to support the Industrial Relations and Other Legislation Amendment Bill 2022. I start my contribution by saying that I am a proud member of the Together union, a registered trade union. I am a proud member because I know that this registered union will fight for my rights and that of its membership and does so under the Industrial Relations Act. The objectives of the bill are to give effect to the Queensland government's response to the recommendations of the *Five-year review of the Queensland Industrial Relations Act: final report*. The final report made 40 recommendations and this bill represents the extensive and great work done by the Palaszczuk government to ensure that industrial relations laws in this state are contemporary and fit for purpose in today's IR environment.

The policy objectives of the bill are pretty clear. The bill amends the IR Act to strengthen protections against workplace sexual harassment; ensures the primacy of registered employee and employer organisations by providing a scheme whereby all industrial organisations can seek and provide representation rights for employees and employers; ensures that workers under the jurisdiction of the IR Act have access to prevailing employment standards; introduces minimum entitlements and conditions for independent courier drivers; updates the collective bargaining framework to ensure access to arbitration by a single commissioner during enterprise bargaining negotiations; and enhances equal remuneration in collective bargaining provisions.

I will speak to a couple these amendments this evening. The bill's sexual harassment amendments are necessary to provide protections and deterrents against sexual harassment and sex- or gender-based harassment connected with employment by adding key provisions to the main purpose of the IR Bill and replacing existing definitions of sexual harassment and discrimination in the IR Act with those contained in the Anti-Discrimination Act 1991. The bill's amendment to the definition of an industrial matter to include sexual harassment and sex- or gender-based harassment will facilitate access to orders and permit the Queensland Industrial Relations Commission, the QIRC, to exercise its general conciliation and arbitration powers for sexual harassment and sex- or gender-based harassment complaints. These provisions will ensure that sexual harassment is misconduct for the purpose of summary dismissal and requires that the QIRC consider whether a dismissed employee engaged in sexual harassment or sex- or gender-based harassment when deciding whether a dismissal was harsh, unjust or unreasonable.

As the minister said in her introductory speech, and I concur, the actions being undertaken by the Palaszczuk government to support the *Respect@work* recommendations is important work that spans a number of areas within government, including the realm of anti-discrimination legislation. Not surprisingly, the former Australian federal government provided a limited response to the *Respect@work* report by amending the Fair Work Act 2009 in 2021 to clarify that sexual harassment can be a valid reason for dismissal and expanding the existing stop bullying order provisions to include stop sexual harassment orders. This bill makes it clear that if an employee sexually harasses another person then that would make it unreasonable to require the employer to continue the employment during

the period of notice set out within the IR Act. These reforms will ensure Queensland's IR system provides comprehensive and contemporary industrial protections to guard against and address sexual harassment and sex- and gender-based harassment.

The bill includes amendments that address the risk of employers and employees being confused about the ability of entities to represent industrial interests where the entity is not an employer or employee organisation under the IR Act but is incorporated under the Associations Incorporation Act. The bill amends the terminology used in the IR Act to provide clarity around the rights and responsibilities of employee and employer organisations registered under the IR Act and confirms that the rights and protections conferred upon these entities by the IR Act are limited to employee and employer organisations which are registered or otherwise eligible for and seeking registration under the IR Act. Under the IR Act, registered organisations are subject to a range of accountability and transparency obligations, including reporting, to ensure they operate with rigour and integrity—in other words, they are transparent and open. The provisions also clarify that an incorporated unregistered industrial association does not have the right to represent its members under the IR Act.

The bill provides a clear distinction between registered employee and employer organisations and other entities not registered under the IR Act but seeking to represent employees' or employers' industrial interests. In submissions to the enquiry held on this bill, it was made very clear that the QIRC in 2021 determined that entities like NPAQ, an incorporated association purporting to represent the industrial interests of nurses, was not a trade union within the meaning of the IR Act and, by extension, a member of the association was not entitled to the general protections under the act.

After the disgraceful slur this morning from the number one ticket holder of NPAQ in this place, the LNP shadow health spokesperson, describing regional healthcare workers as employed duds, I have no doubt that regional health workers are now seeing what NPAQ is really about, given that we now know what their chief promoter, the member of Mudgeeraba, really thinks of regional health workers. As a regional member, I find what was said an absolute insult to the integrity of hardworking frontline health workers who every day during the pandemic put their lives on the line and who work hard to keep my community and all communities around this state safe. It was disgraceful and the member should come in here and apologise. I digress.

It was noted during the committee hearing on this bill that the so-called representative of the red unions could not answer a very direct question about whether they could represent workers in an EB bargaining hearing before the Industrial Relations Commission. They cannot. It is very clear they are fake. Why are they taking money from their members when they have no authority under the IR Act to do anything other than campaign on behalf of the LNP against the trade union movement and the Labor government? It is shameful. It is disgraceful. What do those on the other side do? They do not care. They come in here supporting fake unions—unions in name only: empty, shallow, money-sucking vessels who cannot represent fully their members in the IR Commission and have been set up by mates of the LNP. It is disgraceful that they come into this House and champion fake unions, abusing the rights of hardworking people and insulting hardworking regional health workers. It is just disgraceful. Even when these fake unions are exposed as frauds, it does not stop those in the opposition promoting them in and outside of this House. These fake unions are taking advantage of the hardworking men and women of Queensland who they cannot even represent fully. They are like a flim-flam man: 'Have I got a deal for you!' They are cheap and nasty.

The primacy of registered organisations representing both employers and employees has been a central feature of the IR system throughout Australia for generations, and Queensland's industrial relations system is no different. The IR Act sets out the roles and responsibilities of registered organisations. Sitting alongside these rights comes responsibility and accountability. The IR Act imposes on registered organisations rigorous reporting requirements to ensure registered organisations are transparent in their dealings, accountable to their members and demonstrate good governance practices, none of which these red unions can do because they are fake. By contrast, an entity that is not defined under the IR Act as a registered organisation is not subject to the same rigorous level of scrutiny, reporting or prudential standards. There stands the contrast between what is real and what is fake—open transparency.

The review heard from stakeholders that there is growing confusion and concerns by employees and employers in identifying which organisation can fully represent their industrial interests under the IR Act. I am sure the other side is happy to foster that confusion. This follows the emergence of self-proclaimed entities promoting industrial representation capabilities without adhering to the strict regulatory requirements. The bill confirms the status of incorporated associations not being eligible for registration as an employee organisation and introduces civil penalties for misrepresenting an entity's registration status.

I congratulate the minister for introducing this very important bill that will drive accountability and transparency in representation so that the hardworking men and women of Queensland will not be duped by these fake unions and ensure that workplace standards and practices are encoded into the act to protect workers from discrimination and harassment. I congratulate the Employment and Training Committee, ably chaired by the member for Redlands, for its work on this bill and the committee's secretariat. I commend the bill to the House.