




Speech By
Barry O'Rourke

MEMBER FOR ROCKHAMPTON

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INDUSTRIAL RELATIONS AND OTHER LEGISLATION AMENDMENT BILL

 **Mr O'ROURKE** (Rockhampton—ALP) (7.37 pm): I rise today to speak in support of the Industrial Relations and Other Legislation Amendment Bill 2022. This is an important bill which continues the Palaszczuk Labor government's great legacy of industrial relations reform and ensures that our industrial relations laws remain contemporary and tackle emerging issues in this space.

This bill makes improvements to our industrial relations framework in four key areas. Firstly, the bill acts on the findings of the landmark 2020 *Respect@work* report, which found that addressing sexual harassment in Australia is complex and confusing for both victims and employers to understand and navigate. The bill addresses this by: ensuring a consistent definition of 'sexual harassment' and 'discrimination' between the IR Act, the Anti-Discrimination Act and the Commonwealth's Sex Discrimination Act; making 'sexual harassment or sex- or gender-based harassment' an industrial matter, which means that victims can seek assistance from the Queensland Industrial Relations Commission, and the commission then has various powers to deal with these matters; and providing that a person who commits sexual harassment or sex- or gender-based harassment can be summarily dismissed on grounds of misconduct.

As a member of the committee, it was great to see that these changes were widely supported in the submissions from across the spectrum. I have great confidence that these amendments will provide greater protection for workers subject to sexual harassment and I am confident these changes will help provide a greater public understanding of the insidious conduct and the impact it has on victims.

Secondly, the bill improves Queensland's employment standards and addresses the gender and pay gap in a wide variety of ways. The bill delivers important reforms to various forms of leave including: removing gendered language from parental leave; expanding access to adoption and cultural leave for children from five to 16 years of age; granting parents 30 days of flexible unpaid leave for the two years after the birth, adoption, surrogacy or cultural recognition of a child; providing parental leave for parents of a stillborn baby to allow those parents time to grieve their loss—this is an incredibly important reform—and clarifying that sick leave is exclusive of public holidays. The bill also deals with the gender pay gap by prioritising and making it one of the first items considered in the bargaining process. This will bring transparency and accountability to the process. I commend the change.

Thirdly, the Palaszczuk government is addressing the precarious employment of independent courier drivers by creating a jurisdiction within the Queensland Industrial Relations Commission to set minimum rates and standards for these contractors. Not only will these amendments create more jobs and financial security for these workers; they will also hopefully increase road safety and better outcomes for all road users, as we have seen in New South Wales. I thank Professor David Peetz for his submission to the committee, which highlighted the safety outcomes achieved in the New South Wales system. I welcome the introduction of this to Queensland.

Lastly, I turn my attention to the issue of registered industrial organisations. This part of the IR bill responds to the recent development, since around 2014, of fake unions, which cause confusion and have misled both workers and employers. In both Queensland's and Australia's industrial relations

system registered industrial organisations for both employers and workers are central to these systems and have been for many decades. This bill makes clear the distinction between registered industrial organisations, which represent the industrial interests of employers and employees, and other entities that are not registered under the IR Act and cannot properly represent workers' industrial interests in the state IR tribunal and in collective bargaining. Because of the weight of the industrial responsibilities placed on these registered industrial organisations, they are subject to very high levels of accountability and transparency. By contrast, unregistered organisations, often set up under the Associations Incorporation Act 1981, which purport to be able to represent their members industrially, simply are not subject to anywhere near the level of transparency or accountability. These fake unions which have sprung up only have to comply with the same requirements as the golf club down the road.

In fact, one moment which for me really cemented this lack of transparency and accountability occurred when Mr Jack McGuire, one of the leaders of a fake union, could not answer a simple question posed by the committee during the hearing asking him which of the fake unions he had helped establish if he was the secretary or treasurer. The member for Redlands touched on that. He could not respond. This is deeply concerning and shows the lack of accountability within these bodies. This bill brings about sensible changes to stop these organisations which are not honest about what they can do industrially for their members, not transparent about their political links to the LNP and not accountable to their members.

The bill makes clear that any such misrepresentation will be subject to penalties which are to be determined by the independent umpire, the Queensland Industrial Relations Commission. The bill also requires that there are consequences for incorporated associations under the Associations Incorporation Act 1981 that falsely present themselves as having a right to represent the industrial interests of employees and employers under the IR Act. This is important because the IR Act and the Associations Incorporation Act serve very different purposes. The IR Act is designed to support a complex system of workplace relations in Queensland, whereas the Associations Incorporation Act provides a simple and inexpensive means of incorporation for not-for-profit associations. As a member of the committee, it was notable to read submissions from both employers and worker groups that they support this aspect of the bill.

This bill will ensure that Queensland's industrial relations framework remains contemporary and tackles emerging issues in this space. It is a worthy addition to the Palaszczuk Labor government's industrial relations amendments. I wholeheartedly support this bill.