




Speech By
Robert Skelton

MEMBER FOR NICKLIN

Record of Proceedings, 27 October 2022

INDUSTRIAL RELATIONS AND OTHER LEGISLATION AMENDMENT BILL

 **Mr SKELTON** (Nicklin—ALP) (6.05 pm): I rise to speak on the Industrial Relations and Other Legislation Amendment Bill 2022. I will make the disclosure that I am a member of the UFU and the TWU. Following on from the recommendations provided in the *Five-year review of Queensland's Industrial Relations Act 2016: final report*, this bill will provide the necessary amendments to ensure our legislation keeps pace with the expectations of the community, supporting Queenslanders in good jobs with better services and a great lifestyle. The report looks at a number of areas of concern to the community, including the prevention of sexual harassment and sex-based harassment in the workplace, regulating precarious gig work in the logistics industry, achieving gender pay equality through collective bargaining as well as reviewing our wage recovery provisions.

The bill also contains the required measures needed to provide clarity to employers and employees about the ability of entities to represent industrial interests where the entity is not an employer or employee organisation under the Industrial Relations Act 2016. Unions, employee associations and enterprise associations are required by law to be registered and report to the Registered Organisations Commission, which is an independent federal authority that, ironically, commenced on 1 May 2017 under the federal LNP government, the minister responsible being Michaelia Cash. Ironically, the 'scam unions' are not registered after laws for more rigorous scrutiny was the agenda of the LNP's federal counterparts.

Mr HART: Mr Deputy Speaker, I rise to a point of order. I think the member used unparliamentary language and I think that should be withdrawn.

Mr DEPUTY SPEAKER (Mr Lister): I did not hear that and I will ask for some advice. Member for Nicklin, it might assist the House if you were prepared to identify if you had said something unparliamentary and are prepared to withdraw.

Mr SKELTON: It is written here, for the record: 'scam unions'. I did not say the other word.

Mr DEPUTY SPEAKER: There is no point of order.

Mr SKELTON: This is a spectacular own goal of an LNP-backed entity that cannot even comply with the regulatory requirements enabled by their federal counterparts.

In a rare example of public interest journalism by the *Sydney Morning Herald*, ACTU secretary Sally McManus called the red unions 'fake unions run by LNP members and their associates set up to try and divide working people.' She also called red unions 'an LNP-sponsored anti-vaccination campaign which will directly and needlessly cause working people to contract a deadly virus.' There are various other examples of the red unions recklessly sowing misinformation about the COVID-19 vaccine. For example, NPAQ—a red union that claims to represent nurses—shared a video on their Facebook page with a nurse purporting to say—

It's not even a vaccine, it's not preventing the spread of illness, it's not preventing you from getting sick, it's not a vaccine. We should not even be using this word ... I'd prefer to use the term 'experimental biological agent' because that's closer to the truth.

Predictably, Jack McGuire, a director of a red union, a law student and formerly of the Liberal National Party, has distanced himself from those comments by saying that he is not responsible for individuals' media posts.

However, it is very clear what these red unions are trying to do. A cursory read of the comments sections on any Facebook post by a red union reveals a swathe of vaccine conspiracies. Mr McGuire may try to hide the true intentions of the red unions by deflecting and claiming that he respects the views of individual members of his so-called unions; however, to the rest of us it is clear what the red unions are—Liberal National Party organisations masquerading as unions to stoke fears about COVID-19 vaccines which have been proven to be safe and effective and to stonewall the work of actual unions all at the expense of Queensland workers.

The anti-vaccination bent of these red unions cannot at all be understated. Recent research shows that the demographic of people most likely to not get vaccinated for COVID-19 are generally female. At the time of this study, only 48 per cent of pregnant women in Australia intended to be vaccinated.

The red unions are a destructive force against Australian industrial relations. Their wedge politics will inevitably mean the deaths of more workers in Australia, if not from COVID-19 then from the weakening of workplace safety laws that would inevitably come about as a result of their attempting to tarnish the legitimacy of real workers unions—real unions that do actual work to ensure that workers on the job site can feel confident they will be coming home for dinner.

Red unions are not representative of Queensland's workers; they are representatives of the Liberal National Party which has been hostile to Australian workers since its inception. I note the comments of members opposing proclaiming to be all for their health workers and teachers whilst running down the QNMU and the QTU and also referring to regional health workers as duds. It is a disgrace.

The Palaszczuk Labor government is dedicated to ensuring Queenslanders can rely on a safe work environment free from the threat of harassment. The bill amends the IR Act specifically to clarify sexual harassment and sex- or gender-based harassment as misconduct and includes it within the definition of an 'industrial matter'.

This will facilitate access to orders and permit the Queensland Industrial Relations Commission to exercise its general conciliation and arbitration powers for sexual harassment and sex- or gender-based harassment complaints. It also includes provisions to ensure summary dismissals can be used where sexual harassment has occurred where those powers were previously limited to theft, assault and fraud, and allows the QIRC to take into account matters of sexual harassment or sex- or gender-based harassment when deliberating whether an employee's dismissal was harsh, unjust or unreasonable. After listening to the member for Macalister's testimony, I am very glad these provisions are here.

This will ensure that the objects of the IR Act reflect the importance of dealing with sexual and sex-based harassment. Definitions of sexual harassment and discrimination in the IR Act are consistent with those in the main legislation which deals with those issues as recommended in the five-year review. These amendments confirm that Queensland is leading the nation in protecting its workers from sexual harassment, providing considerably more support and options to resolve a complaint than what is currently provided for in the federal Fair Work Act 2009.

The bill also looks after our independent courier drivers, making their jobs and our roads safer, by committing to the provision of minimum standards and entitlements for those in precarious and insecure work. The amendments contained in the bill will provide a level playing field for commercial operators who may provide independent couriers with precarious and insecure gig work.

The last thing we want in this industry are operators competing against one another to offer the most exploitative conditions in a race to see who can be the most profitable, compromising worker safety and service quality along the way. Through these amendments, we will enable the QIRC to set minimum conditions for independent courier drivers, ensuring their rights at work are appropriately protected. Independent courier drivers will be able to collectively bargain with principal contractors and have the QIRC certify their negotiated agreements, similar to the existing enterprise bargaining agreements. This brings our legislation into line with standards introduced by other states ahead of the Albanese government amending the federal Independent Contractors Regulation 2016 to give effect to the amendments above.

In conclusion, this bill demonstrates the Palaszczuk Labor government's commitment to the working men and women of Queensland. As always, the Queensland Labor Party will stand shoulder to shoulder with workers in protecting their rights in every respect. We will not allow people to rip them

off by misrepresenting as unions. We will stand by them. The implementation of the recommendations of the 2016 Industrial Relations Act report means more protection for all workers in Queensland. It means more protection for workers from scam, unaccountable, so-called unions that are run by external bodies. It means more protection for Queenslanders from sexual harassment and misconduct in the workplace. It means more protections for independent courier drivers from the precarious gig economy. The bill preserves the dignity and integrity of Queensland workers and, as such, I commend this bill to the House.