

MINIMUM CONDITIONS OF EMPLOYMENT ACT, CFMEU PATTERN ENTERPRISE BARGAINING
AGREEMENT

1. Mrs C.L. EDWARDES to the Minister for Consumer and Employment Protection:

I refer the minister to the Minimum Conditions of Employment Act 1993 and the Construction, Forestry, Mining and Energy Union pattern enterprise bargaining agreement.

- (1) Can sick leave that has accrued to workers be paid out to them under the Minimum Conditions of Employment Act?
- (2) If not, is the minister aware that the CFMEU pattern enterprise bargaining agreement provides for a 100 per cent cash payment of any accrued sick leave entitlement?
- (3) Will the minister take any action against the CFMEU for the inclusion of a buy-out sick leave clause in the pattern EBA?
- (4) If no to (3), why not?

The SPEAKER: I think that question clearly asks for a legal opinion to interpret the Act. The member for Kingsley may be able to rephrase the question and I will give her the call in the next round of questions.

Mrs C.L. EDWARDES: Mr Speaker, I do not wish to canvass your ruling; however, the first part of the question was whether sick leave could be paid out under the Minimum Conditions of Employment Act. Surely the minister responsible for the Act would know that is not the case. He brought the legislation into this Parliament.

The SPEAKER: In my view, the first part of the question asked for a legal opinion. I ask the minister to answer the balance of the question.

Mr J.C. KOBELKE replied:

- (1)-(4) I will not attempt to answer those parts of the question that seek a legal opinion; much of the question did. However, the question was predicated on pattern bargaining.

It is interesting to note that under the previous Government, the former Minister for Labour Relations and the member for Kingsley, when she was the Minister for Labour Relations, regularly practised pattern bargaining. They were exponents of pattern bargaining. When they, as the Government, were the employer, they forced people to take the conditions they placed in their workplace agreements, which they wanted to place across the public sector. They held up decent bargaining to force people into that outcome and were the proponents of pattern bargaining. They held the view that pattern bargaining was a good thing if it worked for them; however, it was a bad thing if the people they represented did not gain a benefit from it. The fact is that pattern bargaining will be a win for some people and a loss for others.

Mrs C.L. Edwardes interjected.

The SPEAKER: Member!

Mr J.C. KOBELKE: There are dangers in pattern bargaining. However, the question was predicated on the fact that pattern bargaining is intrinsically wrong and, therefore, sought a legal opinion on the Minimum Conditions of Employment Act that may be tied to pattern bargaining.

The member for Kingsley must stop playing games with words and must recognise that when she was a minister she supported, and was a proponent of, pattern bargaining.

Mrs C.L. Edwardes interjected.

The SPEAKER: Member for Kingsley.

Mr J.C. KOBELKE: The member for Kingsley should, therefore, not suggest in her question that it is illegal to pattern bargain when she was involved in doing it.