

30 September 2016

Attention:

Amanda Honeyman  
 Research Director  
 Finance and Administration Committee  
 Parliament House  
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 Brisbane Qld 4000

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**By email: *FAC@parliament.qld.gov.au***

Dear Ms Honeyman

**Re: Submission to Finance and Administration Committee  
*Industrial Relations Bill 2016***

Thank you for inviting the Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees (**ASMOFQ**) to make a written submission to the Finance and Administration Committee's inquiry into the *Industrial Relations Bill 2016* (Qld) (**Bill**).

## **1. ASMOFQ'S POSITION**

ASMOFQ submits:

- that the Committee make a recommendation in favour of the Bill; and
- that the deliberations of the Committee occur in a timely fashion to allow passage of the legislation to occur by October 2016.

## **2. CONTEXT**

ASMOFQ is Queensland's "doctors' only" industrial organisation, registered with the Queensland Industrial Relations Commission (**QIRC**). ASMOFQ's objectives are:

- to promote and protect the broad interests of salaried medical practitioners;
- to provide services to its members; and
- to advocate the provision and development of quality health services.

## **3. THE COMMITTEE SHOULD MAKE A RECOMMENDATION TO SUPPORT THE BILL**

ASMOFQ supports the passage of the Bill as it provides a number of important industrial safeguards to our members.

In particular ASMOFQ supports the proposal to introduce the following provisions:

- the amendments to collective bargaining (Chapter 4, Part 1, Division 1);
- workplace bullying remedies (Chapter 7);

- general protections jurisdiction (Chapter 8, Part 1);
- flexible work arrangements (Chapter 2, Part 3, Division 4);
- paid domestic violence leave (Chapter 2, Part 3, Division 7);
- amending the legal representation arrangements (Chapter 11, Part 5, Division 3);
- the insertion of a new section 51AA in the *Hospital and Health Boards Act 2011* which relates to consultation on health employment directives (section 1110 of the Bill);
- giving the Queensland Industrial Relations Commission exclusive jurisdiction over all employment/work related anti-discrimination matters (Chapter 19, Part 2);
- the proposal to amend the *Holidays Act 1983 (Qld)* to declare Easter Sunday as public holiday (Chapter 19, Part 3);
- amendments to financial management training which allows the financial management officer to be exempt from completing the financial management training if the officer has completed training required by the Commonwealth Registered Organisations Act that corresponds, or substantially corresponds, with the training required in Queensland (Chapter 12, Part 11);
- the introduction of section 371 to replace section 391, which allows an employee to consent to deductions from their pay, including for membership of an industrial association (Chapter 9, Part 2); and
- ASMOFQ notes the absence of any provisions in the Bill which provide for the conversion of temporary to permanent employment. ASMOFQ is aware of the Government's commitment to provide for those arrangements under a Directive.

ASMOFQ has the following concerns with the Bill:

- the main purpose of the Bill is to be achieved via the promotion of cooperative workplace relations including recognising mutual obligations of trust and confidence in the employment relationship (Chapter 1, Part 1). ASMOFQ notes the High Court decision in *Commonwealth Bank of Australia v Barker* [204] HCA32 which dealt with the mutual obligation of trust and confidence in the employment relationship. ASMOFQ is concerned that legislating trust and confidence in the employment relationship may have unforeseen consequences and may lead to an increase in disputation; and
- ASMOFQ notes the long standing exclusion from accessing the unfair dismissal remedies under the Industrial Relations Act which will be carried forward under Clause 315 (1)(e)(iii) of the Bill. This exclusion applies to the majority of the Senior Medical Officer workforce employed in the public sector. ASMOFQ recommends that a provision is inserted in the Bill to ensure that Senior Medical Officers are not captured under that exclusion.

#### 4. CONCLUSION

As outlined above, ASMOFQ supports the passage of the Bill. The passage of the Bill, amended as such, will provide the following benefits to Queenslanders:

- Improved morale within the public health service;
- Improved staff recruitment and retention; and
- Improved workplace practices.

Yours sincerely,

Dr Stephen Morrison  
State President, ASMOFQ

Dr Suzanne Royle  
State Vice President, ASMOFQ

Dr James Finn  
State Secretary, ASMOFQ