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30 September 2016

Mr Peter Russo MP
Chair
Finance and Administration Committee
Parliament House

Email: fac@parliament.qld.gov.au

Dear Chair

Re: Industrial Relations Bill 2016

I refer to the call for submissions regarding the proposed Industrial Relations Bill 2016 (the Bill).

The Australian Workers' Union (AWU) represents thousands of workers in many agencies and Councils across Queensland.

Members of the AWU saw a loss of real wages and conditions as a result of amendments made to industrial legislation during the Newman Government. Many of our members lost their jobs, their job security, their rights to fairness in the workplace and access to their union.

The proposed amendments in this Bill go a long way to restoring some of the fairness and security that our members once had.

The AWU is pleased that many of the concerns raised by this union during the consultation phase was taken up by the Industrial relations Legislative Reform Reference Group and have been addressed in the recommendations of that reference group and the draft Bill.

Key concerns of the AWU which have been addressed in the Bill are as follows:

- The primacy of unions as the primary representative of workers was reinstated;
- Many previous conditions and entitlements of workers are being reinstated;
- The Queensland Industrial Relations Commission (QIRC) is being retained as a specialist tribunal;
- Enterprise bargaining is being retained as the principal process for wage fixing including the ability of workers to undertake protected action. Further, the balance of power has been reviewed to allow genuine bargaining between the parties. This includes removing the Minister's veto to industrial action and simplifying the taking of protected industrial action;
- That local government will remain in the Queensland industrial relations jurisdiction consistent with the role of Councils as social service providers.

Secretary: Ben Swan

The AWU also commends the proposed changes that will simplify industrial organisation compliance.

During the consultation process the AWU raised a number of concerns there were not addressed in this Bill.

Specifically, concerns were outlined in relation to expanding the jurisdiction of the QIRC to deal with and determine breaches of the *Work Health and Safety Act 2011* on application from the relevant union. The AWU would also seek to lodge disputes in relation to compliance with rehabilitation and return to work matters under the *Worker's Compensation and Rehabilitation Act 2003*. As it currently stands the regulator is the only party that can prosecute a breach and there many factors that determine whether such a prosecution will go ahead. The AWU submits that relevant unions should be able to raise disputes and seek compliance with regards to breaches where the regulator has decided not to. Such amendments could only assist in raising safety standards and assisting the regulator where resources may not be available. The assistance of the QIRC should also be available to the union in relation to breaches under the *Mining and Quarrying Safety and Health Act 1999*. The AWU submits that workplace health and safety matters are within the specialist knowledge of the QIRC members and as such the committee should consider this request.

Another matter that the AWU has raised is the ongoing discrimination against our members in Queensland Health with regard to alleged overpayments which has been retained in the new Bill. All the department is required to do to levy an overpayment against our members is to "purport" that such a payment exists, not reasonably demonstrate that such an overpayment exists. To continue this provision at section 948 in the proposed Act is to allow the department to remove disputed payments from our members without being required to submit prima facie proof that the debt exists. The AWU submits that the section be amended to ensure the department has the onus to prove any debt exists and resolve any reasonable dispute prior to garnishing wages.

Thank you for your consideration of this submission. If you require any further information please contact Mark Raguse on 07 3221 8844.

Yours faithfully

STEVE BAKER
ACTING SECRETARY

Secretary: Ben Swan