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Our ref: E3170\_25376/MR

18 May 2015

Ms Di Farmer  
Member for Bulimba  
Chair  
Finance and Administration Committee  
Queensland Parliament  
George Street  
BRISBANE QLD 4000

By email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

Dear Ms Farmer,

**Re: Submission to the Finance and Administration Committee Inquiry into the Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015.**

The Queensland Services, Industrial Union of Employees (the QSU) represents members employed in local authorities throughout Queensland. Our members are employed in local authorities in administrative, technical, community service, supervisory and managerial roles. The Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015 is of great interest to the QSU and our members and we believe that the passing of this legislation will restore fairness to the industrial relations framework in Queensland.

The QSU has prepared the attached submission for consideration by the Committee. The QSU is very willing to provide more information and evidence to the Committee to support our submission.

If you require any further information please do not hesitate to contact Senior Industrial Officer Michelle [REDACTED] at this address or by email [REDACTED]

Yours sincerely,

**Neil Henderson**  
Secretary

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JENNIFER THOMAS

## QUEENSLAND SERVICES, INDUSTRIAL UNION OF EMPLOYEES

### Submission to the Finance and Administration Committee Inquiry into the Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015.

The Queensland Services, Industrial Union of Employees (the QSU) represents members employed in local authorities throughout Queensland. Our members are employed in administrative, technical, community service, supervisory and managerial roles. There are approximately 40,000 employees employed in local government (including Brisbane City Council) in Queensland. The QSU is an active Union in this industry and supports the Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015 (the Bill).

The QSU makes this submission in support of the Bill for the following reasons:

1. The previous government enacted the Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Act 2013 (Assent Date: 27/11/2013). That legislation contained unfair and unnecessary provisions which removed conditions for some employees and for local government employees imperiled many important conditions such as redundancy and job security. Of particular concern in that legislation were the provisions concerning Award modernization and Certified Agreements.

#### **AWARD MODERNISATION**

2. Award modernisation was undertaken in an unfair manner and with little consultation. It was implemented unfairly by the Minister who put pressure on the QIRC to truncate the process to meet timeframes that were set without regard to process. This was offensive to the parties and to the QIRC and had a lack of a consideration of fairness to employees regarding take home pay and conditions. The approach taken in local government was to create a single award which served the interests of no one. The 'one size fits all' approach of the QIRC has not made for an effective and easily understood award.
3. The QSU supports the approach taken in the Bill at clause 14 that a modern award may include provisions to provide fair and just employment conditions. The QSU remains concerned that there is no stipulation that no employee will be worse off in take home pay or conditions.
4. The QSU supports the opportunity for consideration at clause 33 of the Bill (s844) of an increase in the number of modern awards because one size does not fit all. The QSU has never agreed to a reduction of awards down to one for local government (excluding Brisbane City Council).
5. The Award modernization process placed unnecessary emphasis on reducing the number of local government awards, and there was significant opposition. There are good reasons for more than one Award in local government and this should be reviewed. The QSU supports the provisions of the Bill at ss840 – 846.



## **CERTIFIED AGREEMENTS**

6. The previous legislation contained provisions about certified agreements which proscribed certain content and mandated other content such as the disputes procedure, consultation and redundancy entitlements. This was unfair, unprecedented, and unnecessary as bargaining has been long established in Queensland.
7. The prohibitions in the previous legislation significantly compromised the capacity of employees and their representatives to bargain. The QSU provides an example of this as Attachment 1. This is a letter sent by the CEO of Moreton Bay Regional Council (MBRC) on 14 November 2014 to staff setting out that all conditions removed from the agreement by operation of the legislation would be maintained on an individual contract basis but lost if a yes vote was not delivered. This means Council would not commit to maintaining existing conditions. It would not be unreasonable to characterize Council's stance as threatening or intimidating. The result of this vote was that an unfair agreement was created which created a two tier wages and conditions agreement.
8. The MBRC agreement provides, among other things, for example that in Administrative levels 1-3 new employees will be paid less than their counterparts. This section of the workforce is 70% female and they will suffer a consequence that is inequitable and unfair.
9. No agreements made since 1 October 2014 have been fairly bargained as employees have been effectively forced to trade off conditions for future employees in order to maintain their own current conditions albeit in the form of individual contracts. This is completely unfair. Employees and their representatives are entitled to bargain in a fair bargaining environment. The QSU supports S847.

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## **REMOVAL OF UNFAIR AND UNREASONABLE PROVISIONS OF AGREEMENTS MADE UNDER THE PREVIOUS LEGISLATION**

10. The QSU supports S849. This support is because some of the agreements which have been made since 1 October 2014 contain provisions that are so unreasonable that no reasonable person could allow them to remain even for a few months. Three examples include:
  - in relation to consultation where the previous legislation imposed a lesser standard than the Termination, Change and Redundancy case which had been in place since 1984 for our members;
  - in relation to redundancy where a lesser standard was introduced by fixing the Queensland employment Standard as the ceiling; and
  - In relation to the dispute settlement procedure imposed which is unnecessarily restrictive.

This provision will allow agreements which have provisions that could be described as unfair to be immediately remedied on a case by case basis.

11. The unfair provisions as outlined above which should not be allowed to stand until their expiry date. S849 will allow fairness to be restored.
12. The QSU supports S850 and S854 as it makes good sense to prevent unfair agreements from coming into operation.

### **REPRESENTATION OF PARTIES AND PROCEDURE IN THE QIRC**

13. The QSU supports the amendment of s319 concerning representation of parties. The QSU welcomes the QIRC returning to a lay person tribunal. This provision allows the return to the QIRC of the discretion to decide on representation on a case by case basis.
14. The QSU welcomes the provision at clause 26 of the Bill which will omit s339AA of the previous legislation. The provision has been unnecessary and unfair as the QIRC has powers to inform itself.

### **RIGHT OF ENTRY – AUTHORISED INDUSTRIAL OFFICER**

15. The QSU supports the replacement of s372 contained at clause 28. The provisions of 372A and 372B in the previous legislation were unnecessary and we support their removal as proposed at clause 28 and clause 29. Their introduction was in spite of the fact there was no evidence they were ever needed.

### **SUMMARY**

16. The previous legislation was extremely unfair and this Bill allows for fairness to be restored.
17. At the election a majority of Queenslanders supported parties and candidates who advocated a restoration of these basic rights. Please respect the voice of Queenslanders and the rights of workers and vote to restore fairness by supporting this bill.
18. The QSU urges the committee to recommend passage of this bill without delay to ensure that the rights of workers on local government are restored to them.

Queensland Services, Industrial Union of Employees  
18 May 2015



Office of the CEO



**Moreton Bay**  
Regional Council

Enquiries	Geoff Owen-Turner
Direct Phone	(07) 3480 6291
Our Ref	GOT/bb
Date	14 November 2014

**The following letter will be posted to all council staff on Friday 14 November 2014**

**MBRC's Proposed Enterprise Bargaining Agreement (EBA3)**

As you may be aware, the Moreton Employment Group (MEG) has been meeting to negotiate a new Enterprise Bargaining Agreement (EBA3).

The Council has decided it is now appropriate to invite employees to vote on the proposed EBA3. **Voting for the proposed EBA3 will occur from Tuesday 25 to Thursday 27 November 2014.**

The proposed EBA3 and accompanying explanatory notes are available on Embarc and at depots. I encourage you to read these documents at your earliest convenience.

The proposed EBA3 provides for a wage increase of 2.6% backdated to 1 July 2014. You will receive your back pay in the first pay period in December 2014. Further wage increases tied to the annual CPI, as outlined in EBA3, will take effect on 1 July 2015, 2016 and 2017.

Changes to the *Industrial Relations Act 1999* now prohibit the inclusion of the following clauses from EBA2 into EBA3 as they contain non-allowable content as prescribed by the Act:

- Clause 2.4 Redeployment and Redundancy
- Clause 6.1 Trade Union Training Leave
- Clause 6.8 Operational Employees Home Depot
- Clause 6.10 Positive Employment Relations – How Council deals with Unions
- Schedule 4 Managing organisational change – Redundancy payments and process

During negotiations for EBA3, I made a commitment to maintain these existing terms and conditions for all existing employees. Accordingly, all existing employees will be provided with a letter that legally binds Council to maintain these terms and conditions for the term of EBA3.

It is important to note that all commitments given in this letter are contingent on EBA3 being voted up by the majority of employees on 28 November 2014.

Council is keen to see EBA3 voted up. If this does not occur the matter will proceed to conciliation and arbitration by the Queensland Industrial Relations Commission. Conciliation and arbitration will result in a lengthy process where council cannot guarantee existing terms and conditions and back pay to 1 July 2014.

If you have any questions please do not hesitate to contact members of the management team below:

- Bill Halpin – Director Community & Environmental Services (07) 5433 2499
- Geoff Owen-Turner – Manager Human Resources (07) 3480 6291
- Michael Ham – Manager Operations (07) 5433 2663
- Brenda Barwin – HR Operations Manager (07) 3480 6899

I ask for your support in a **YES vote** for EBA3.

Yours sincerely

**Daryl Hitzman**  
Chief Executive Officer