

Des Hardman
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28th October 2013

Dear Sir/Madam

Re: Submission for consideration of proposed bill "Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Bill 2013".

I am a married father of 3 children who has worked and studied as a health professional servicing the needs of local communities since 1992. I am also currently an active member of the Qld community and a Qld public sector employee. I would like to identify some concerns I have regarding this bill for your consideration.

Firstly I would just like to draw your attention to paragraph 3 on page 6 of the explanatory notes which reads: "**Legislative Standards Act 1992, s 2(a) – rights and liberties of individuals. The Bill potentially lessens the rights of individuals in the following instances...**" Statements such as these encompass the intent and impact of this Bill on loyal Queensland public sector employees and working Queenslanders more broadly.

It is a fact that the current format and allowable content for industrial instruments such as awards and certified agreements have evolved to what they are today because of the need to hold employers to account and protect the rights and liberties of employees. Therefore all employees are right to be concerned where a government is seeking to limit content of industrial agreements to a 'one size fits all' approach, that also limits individual's rights to bargain collectively with industrial representation and appropriate time frames for consultation based on the needs of the workforce. I am certain if it were desirable for a review of this process to be undertaken in a consultative and respectful fashion, employees would be more than willing to cooperatively and enthusiastically participate.

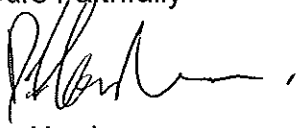
Furthermore, I would like to draw your attention to paragraph 1 on page 6 of the explanatory notes which reads: "**Constitutionality – impairment of institutional integrity of courts... As the Commission is required to comply with a Ministerial request, the ability of the Minister to give directions as to content raises a question as to whether this impairs or interferes with the Commission's institutional integrity.**" This extract is consistent with the demise of democracy and justice here in Queensland.

The right of employees to an independent industrial umpire provides a safe guard that protects them from unfair, unforeseen and unintended repercussions of industrial instruments. It is also a fact that the Queensland Industrial Relations Commission (QIRC) provides an independent assessment of certified agreement clauses that may unintentionally impact adversely on the employer. High levels of ministerial directive and interference with the processes of the QIRC will not only remove impartiality but potentially diminish its ability to protect the interests of the greater public of

Queensland. Moreover, limiting the power and independence of the QIRC in its involvement in the approval and certification of industrial agreements and further empowering the Public Service Commission (a non-independent government entity) threatens the rights of Queensland Public Sector workers and the integrity of the Queensland Government as an employer for the aforementioned reasons.

Above, I have addressed only **some** my primary concerns with the proposed Bill. It is clear to me, from my understanding of the objectives and reasons for the amendments, it is the intention of the government to address issues of the "employment relationship" that only potentially benefit them as an employer and do not make any provisions to fairly protect the rights and liberties of the workforce or that of the Queensland public.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Des Hardman', with a long horizontal flourish extending to the right.

Des Hardman
Concerned member of the Queensland public