



Industrial Relations (Fair Work Act
Harmonisation No.2)
Submission 025



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28 October 2013

Legal Affairs and Community Safety Committee

Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Bill 2013

By email: lascs@parliament.qld.gov.au

Dear Committee,

We write in reference to your letter of 17 October inviting us to make a written submission to the Legal Affairs and Community Safety Committee regarding the Industrial Relations (Fair Work Harmonisation No. 2) and Other Legislation Amendment Bill 2013 (the Bill).

Please find attached joint correspondence from the Australian Salaried Medical Officers Federation of Queensland (ASMOFQ) and the Australian Medical Association Queensland dated 22 October 2013 to the Hon Lawrence Springborg, Minister for Health. This letter identified issues with the Bill and how its proposed implementation will impact on medical officers in Queensland.

A key concern is the removal of Awards and Workplace Agreements and the introduction of individual employment contracts.

As stated in the letter:

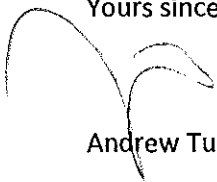
'ASMOFQ, AMAQ and ASMOF are deeply concerned that the major changes planned to the terms and conditions of employment for SMOs and VMOs will have far reaching and adverse impacts on the Queensland Public Hospital system. As you would appreciate, Queensland public hospitals are the key part of a complex and interdependent system of healthcare in what is the most decentralised Australian state. Major change in one part of the Queensland public hospital system, such as the abrupt introduction of individual contracts as proposed, may have unintended consequences on other parts of the system'.

With the introduction of the Bill, and the transition to contracts of employment our objective is to ensure the maintenance of current workplace protections. Specifically we are concerned about the following:

- Absence of any fatigue provisions
- No mandatory meal breaks or rest breaks
- Lack of dispute resolution mechanism in the contract and exclusion of QIRC's jurisdiction including in regard to unfair dismissal and bullying
- Loss of tenure and limitation on redundancy provisions
- Failure to guarantee that SMOs and VMOs will be no worse off under the new arrangements
- No mechanism to ensure consistent interpretation of new arrangements across all 17 Hospital and Health Services
- Discretion with Director General to amend contracts unilaterally
- No mechanism to monitor implementation of contract or for collective re-negotiation
- No transparent mechanism to determine future salary increases

While this is not a definitive list of issues (particularly in light of the lack of available information) it is indicative of the serious nature of those issues. Given these matters, we believe it is preferable that the Medical Officers Certified Agreement (MOCA), SMO Award and VMO arrangements should continue in operation until such time as new arrangements – in their entirety – can be negotiated.

Yours sincerely,



Andrew Turner

ASMOFQ Advocate /

AMAQ Queensland

Manager- Workplace Relations



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22 October 2013

Hon Lawrence Springborg MP
Minister for Health
Queensland Government

By email: health@ministerial.qld.gov.au

Dear Minister

We write on behalf of the Australian Salaried Medical Officers Federation, Queensland (ASMOFQ), the Australian Medical Association Queensland (AMAQ) and the Australian Salaried Medical Officers Federation (ASMOF) regarding the proposed introduction of individual contracts of employment (and other changes) for 3000 Senior Medical Officers (SMO) and 1000 Visiting Medical Officers (VMOs) throughout Queensland and the introduction of the *Industrial Relations (Fair Work Act Harmonisation No 2) and Other Legislation Amendment Bill 2013* into Parliament on 17 October 2013.

ASMOFQ, AMAQ and ASMOF are deeply concerned that the major changes planned to the terms and conditions of employment for SMOs and VMOs will have far reaching and adverse impacts on the Queensland Public Hospital system. As you would appreciate, Queensland public hospitals are the key part of a complex and interdependent system of healthcare in what is the most decentralised Australian state. Major change in one part of the Queensland public hospital system, such as the abrupt introduction of individual contracts as proposed, may have unintended consequences on other parts of the system.

Any number of public inquiries into the health system in recent years points to clinician engagement as a key part of a high quality public hospital system. ASMOFQ, AMAQ and ASMOF are keen to ensure that genuine clinician engagement occurs in regard to any new arrangements and it is for this reason we have sought to engage with the Department of Health in regard to the proposed new terms and conditions of employment for SMOs and VMOs.

We are also concerned that Queensland is part of a national and international medical workforce market and significant adverse changes to the terms and conditions or employment for SMOs and VMOs will make both recruitment and retention more difficult. Indeed, a recent meeting of representatives from ASMOF, the Australian Medical Association, various state-based AMAs, state-based doctors' unions, the New Zealand Association of Salaried Medical Specialists and the New Resident Doctors Association recommended their organisations consider issuing an employment warning in regard to employment in Queensland under the proposed individual contracts.

Given these important matters, we believe it will assist the process of negotiation if our current concerns in regard to the new contracts and other matters are briefly stated:

1. Lack of Information on Proposed Changes

While the proposed contracts are a key part of the new arrangements, several other matters need to be dealt with simultaneously. We have requested but not received definitive information on the following:

- Proposed new private practice arrangements (including arrangements for Options A, B, P, R)
- Financial information regarding remuneration including allowances and entitlements and how those matters will be determined
- Impact on Superannuation (particularly the "Defined Benefit" arrangements)
- Queensland Audit Office's Investigation into Right of Private Practice.

We renew our request that this information be provided as soon as possible and that structured negotiations occur in regard to the new private practice arrangements.

2. Deficient Nature of Proposed Contract

Clearly it is preferable to negotiate any new arrangements in their entirety, hence our request for the information set out above, however, the following issues are of significant concern with the proposed contract:

- Absence of any fatigue provisions
- No mandatory meal breaks or rest breaks
- Lack of dispute resolution mechanism in the contract and exclusion of QIRC's jurisdiction including in regard to unfair dismissal and bullying
- Loss of tenure and limitation on redundancy provisions
- Failure to guarantee that SMOs and VMOs will be no worse off under the new arrangements
- No mechanism to ensure consistent interpretation of new arrangements across all 17 Hospital and Health Services
- Discretion with Director General to amend contracts unilaterally
- No mechanism to monitor implementation of contract or for collective re-negotiation
- No transparent mechanism to determine future salary increases

While this is not a definitive list of issues (particularly in light of the lack of available information) it is indicative of the serious nature of those issues. Given these matters, we believe it is preferable that the Medical Officers Certified Agreement (MOCA), SMO Award and VMO arrangements should continue in operation until such time as new arrangements – in their entirety – can be negotiated.

Considering the degree of change being proposed, the complexity of that change and the need to maintain clinician engagement, it is important that we undertake this process in an open, transparent and constructive manner. It is for these reasons we make the requests contained in this correspondence.

Yours sincerely,



Dr Maarten Kamp
Councillor ASMOFQ
President Queensland Branch ASMOF



Dr Christian Rowan
President AMA Queensland

cc Lyn Rowland, DDG, Human Resource Services, Department of Health