



IN REPLY PLEASE QUOTE: gjm:ejr

21 May 2013

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam

At the public hearing held by the Committee in relation to the Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Bill 2013, I undertook, on behalf of the Queensland Teachers' Union (QTU), to provide further information concerning union campaigns and expenditure during this financial year that would conceivably require an expenditure ballot under the terms of the proposed legislation.

I reiterate that the Union's financial year is a calendar year and this further submission relates to the first five months of the year.

Under the terms of the Bill, I believe that the Union would have been required to conduct expenditure ballots in relation to the following matters:

1. an Australian Council of Trade Unions' levy for a campaign concerning federal industrial legislation and insecure employment;
2. expenditure through the Australian Education Union and directly for a campaign to convince federal and state governments to implement the Gonski education reforms;
3. expenditure through the Queensland Council of Unions for a joint unions' anti-privatisation campaign;
4. campaign activities in conjunction with TAFE enterprise bargaining negotiations and potentially in relation to the TAFE Queensland Bill;
5. expenditure relating to the government's "Great teachers = Great results" action plan for Queensland schools;
6. expenditure relating to the Independent Commission of Audit Final Report and the government's response, "A Plan – Better Services for Queensland including recommendations relating to education, TAFE, the public service and teacher housing;
7. federal election campaign activities.

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Conceivably, the QTU may also soon be in the process of authorising expenditure in excess of \$10,000 relating to:

1. the review of workers compensation;
2. proposed school closures;
3. this Bill.

This listing assumes that multi-faceted campaigns and activities such as those related to the "Great teachers = Great results" plan and the Independent Commission of Audit can each be treated as expenditure for the same political object for the purposes of proposed section 553D (Particular spending for political purposes must be authorised by ballot).

Upon further reflection, I would make two further observations concerning spending for political purposes on behalf of the Union.

Firstly, there is no clarity in the legislation about what expenditure or categories of expenditure contribute towards an expenditure of \$10,000 so I can make no assertion concerning the completeness of this listing.

Secondly, I now also observe under proposed section 553C(1)(c) that any communication to members of the Union concerning these political objects such as an article or editorial in the Union journal, whether informative or persuasive, would contribute to the \$10,000 threshold. In these terms, the provisions prevent me from communicating information in a timely fashion to members about political objects that directly affect them if I consider that the final expenditure will exceed \$10,000. That is an intolerable restriction on the capacity of industrial organisations to provide information and advice to members, and will require leaders of industrial organisations to be psychic in anticipating eventual expenditure – an easy task for some matters but certainly not all.

The QTU's rejection of these provisions of the Bill remains.

I have also reviewed the QTU's submission to the Committee and believe that the QTU has not provided sufficient information to explain the Union's concerns about the use of the term "officer" in various parts of the Bill e.g. duties of officers, registers of interests.

The QTU's first submission referred to provisions affecting up to 427 people occupying 472 positions. The use of the term "officer" includes five elected full-time employees of the QTU, an honorary Vice-President, and teacher and principal members elected to Council (from which Executive and Trustees are elected), TAFE Council (from which TAFE Executive is elected), delegates to the QTU's biennial Conference, and delegates to 11 regional area councils. All but five are honorary officials. A copy of a diagram of the representative decision-making structure of the QTU is attached.

To put the unreasonableness of the proposed provisions into context, from the perspective of both the organisation and the individual, my own example may assist.

If these provisions were in force 28 years ago, they would have applied to me elected as a second-year teacher in a Gladstone high school to represent members at an area council in Rockhampton five times a year and to meet with the Regional Director of Education and others about regional education issues and teacher housing. A register of my interests, my wife's, and those of my six month old son and their public disclosure were hardly relevant to the good governance of the QTU. I would also make an observation concerning the formulation of legislation since many of the submissions to the Committee refer to lack of consultation and the inappropriateness of provisions as they relate to particular organisations.

In 1988, the then Treasurer and minister with responsibility for the public service, Brian Austin, introduced what I believe was called the Public Sector Employment Bill. Its proposals included the introduction of contract employment into the public service – a matter contentious then as now. Prior to the introduction of the bill, unions representing public sector workers were given access to disclosure drafts of the bill and draft regulations. This was done on the basis of agreement by unions to no public disclosure and limited internal disclosure and an acknowledgment by government that access was without prejudice to any campaign the unions might subsequently need to undertake. A process of refinement and negotiation then occurred. The undertakings were honoured, the bill introduced and a campaign against contract employment ensued – but the other provisions of legislation were at least functional and relatively efficient as a result of the consultation.

At some point, the Queensland Government might re-consider its approach to introducing bills without consultation with stakeholders and other affected parties.

Finally, having now had the opportunity to read the response of the Department of Justice and Attorney-General to the submissions received by the Committee, I note that the summary of the submissions is hardly complete, while acknowledging the limited timeframes for analysis of submissions and response.

I am happy to provide any further information required to explain the QTU's submissions.

Yours sincerely



Graham Moloney
General Secretary

2013 QTU ORGANISATIONAL CHART

