



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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STATUTORY BODIES LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (Deputy Leader of the Opposition) (12.43 pm): The state coalition believes in an industrial regime that provides a fair balance of rights and responsibilities of workers and employees. We have supported the principles of reforms under federal WorkChoices laws and applaud the record low unemployment figures and the high full-time employment rate which has resulted from this more flexible industrial relations system.

Australians deserve to be paid a fair amount for their labour, and that is why there are still regulations for fair pay and protected mechanisms, and for having a safety net. But Australians also deserve to have governments make responsible choices to bolster their local economies and create an environment where the private sector will establish new jobs. We must remember that it is predominantly the private sector that creates new jobs that generate ongoing wealth in the community.

The latest labour force data released last week shows the national unemployment rate has dropped to 4.5 per cent, down 0.1 per cent since February. The unemployment rate at the introduction of WorkChoices was 5.1 per cent. Two hundred and seventy-six thousand new jobs were created in the year to March. Those 276,000 jobs comprise over 96 per cent of full-time jobs. This outstanding surge in full-time jobs demonstrates that both employers and workers want to move away from mass casualisation of the workforce.

With fairer industrial laws employers are more confident to put people in full-time positions, and workers have clearly demonstrated that they want that choice. Unemployment in Queensland is at four per cent and Western Australia's unemployment rate has plummeted to just 2.7 per cent. These are the lowest figures since 1976 showing that, contrary to the Labor Party's scaremongering about job losses, there has been a record number of new jobs created since the introduction of WorkChoices.

While the resources sector has boosted our economy, it alone does not account for the huge increase in new jobs in a range of sectors, including the hospitality sector. I believe that history will show that Labor Party scaremongering about WorkChoices causing job losses is going to rank with the Y2K computer bogey. In contrast, Labor has indicated that it wants to abolish WorkChoices, so its position is a little more muddy as of yesterday.

But there has been criticism of WorkChoices which would indicate that if Labor had its way it would prefer to move back to a highly casualised workforce in which workers have far less certainty and consequently do not feel secure to invest in house mortgages and other important lifestyle investments. We must remember that the difference between a casual workforce and a full-time workforce is that when there is a greater percentage of people working full time they are more likely to invest in things such as mortgages. We know that the levels of casualisation in some sectors, even within the Public Service here in Queensland, have certainly been a concern.

This next federal election is not about the unions fighting for workers' rights; it is about some fighting for unions' rights to interfere in people's private job negotiations even when the workers do not want their help. However, after Industrial Relations Minister Mickel's response to my question this morning about whether he supports Kevin Rudd's proposed centralised federal IR system—whether he will stand up and say that the government is going to back down from its previous position of supporting a state based

system—it is becoming increasingly clear that the position of Queensland Labor is on a collision course with federal Labor unless we see a clear indication from this minister to the contrary.

Where was the minister this morning indicating that he endorsed Kevin Rudd's new centralised IR policy? He certainly did not come to the table today to indicate he would support that. The Premier was a bit more ambivalent. He indicated some soft support for federal Labor's new IR position of having a centralised IR system. So what do we have here now? Clearly Queensland Labor is either going to back down and follow the Premier or it will follow Minister Mickel who refused to endorse federal Labor. I would certainly seek the minister's clarification as to whether he is now supporting a centralised federal IR system.

In a democratic society it is vitally important for there to be a professional and ethical union movement fighting for a fair go for workers. I strongly support people's right to belong to a union. I used to be a member of a union myself and I appreciated the work that our representatives did. However, I also strongly support people's right not to belong to a union. Clearly, that is a view shared by the majority of Australians, as union membership in the private sector has fallen from 16.7 per cent in 2005 to only 15 per cent this year. Trade union membership has become the reserve of the public sector, where membership runs at 43 per cent.

Ironically, state public servants have not been under threat—as this Labor government claims—from federal WorkChoices laws. Certainly we have seen a considerable amount of scaremongering from some in the union movement who, before the last election, went to schools and told teachers and teacher aides that under a state coalition government they would have to shift to the federal system. That was a blatant lie. We have stated clearly that we believe that the state public sector should remain under a state based industrial system. That was our published policy and it continues to be.

I support the principles of the federal WorkChoices laws, particularly in regard to the private sector. What they have achieved with the move to new jobs and full-time participation has indicated certainly that those laws have had some positive net benefit. However, I also support the right of the state to maintain its public servants within the state based industrial system. That was the coalition's published policy and it continues to be. I believe that the unions also have an important role to play in state based negotiations of awards and conditions for public servants, particularly while they represent a sizeable part of that workforce.

I believe that the state coalition's view is a balanced one. We believe in a balance, firstly, between the rights and responsibilities of employers and workers and, secondly, with the need for the state to maintain a strong interest in how it undertakes its own industrial relations responsibilities. I will come back to that in a moment, because the score card in the Queensland Public Service is not too flash. This government has not handled itself particularly well, especially in relation to bullying in the Public Service, and problems of recruitment and retention which are aligned to the culture that is being perpetuated.

The bill before the House would have the effect of returning employees of certain statutory bodies to the state system by transferring their employment to a non-corporate employing office that would be created alongside each state corporate entity. In keeping with the state coalition's belief that state employees should have the choice of being under the state industrial system, we support this legislation because the affected staff were already de facto public servants anyway.

While creating a somewhat convoluted process, the bill only affects a relatively small number of workers. Thousands in government owned corporations such as Queensland Rail and the Queensland port authorities are not covered by this Beattie government legislation. It is an interesting situation when a state government which, up until this point, has claimed that it hated the WorkChoices legislation has moved to effectively shift a small number of public servants—as we have said, they were already de facto public servants who worked within statutory entities that were caught by federal laws—yet other major government owned corporations are continuing under the federal jurisdiction. I think that the government is engaging in a bit of doublespeak.

Under the arrangements in this bill, employees will continue to perform work for the state corporation under a work performance agreement negotiated between the employing office and the relevant state corporation. This is akin to a labour hire arrangement where the labour hire agency, that is, the corporate employing office, is covered by state industrial legislation. The bill would remove the employment powers of statutory corporations, but the management and structural basis of the statutory corporations would otherwise remain intact.

A small number of entities that are constituted by boards are treated differentially—the board of the Queensland State Library, the Queensland Art Gallery board of trustees and the board of the Queensland Museum—where the employer will be the relevant Queensland government department rather than a separate employing office. For example, the employer of the board of the Queensland Library would be the Queensland Department of Education, Training and the Arts.

A similar model was used by the South Australian government in its Statutes Amendment (Public Sector Employment) Act 2006. I believe that the act has not yet commenced. The New South Wales government uses a slightly different model in its Public Sector Employment Legislation Amendment Act

2006, but to similar effect. The South Australian legislation will apply in relation to a range of employees, including urban and country firefighters, ambulance officers, TAFE teachers and employees at public hospitals.

The New South Wales Public Sector Employment Legislation Amendment Act, which commenced on 17 March 2006, uses a slightly different model but, as mentioned, with similar effect. The New South Wales legislation creates the government service of New South Wales and provides for the transfer of employees from certain statutory corporations to that new service. Affected corporations include the Roads and Traffic Authority, the State Transit Authority and the TAFE commission. The former employees of those entities are employed in divisions of the government service in the service of the Crown, and the power of the statutory corporations to employ staff is removed. Similarly, the New South Wales legislation removes the employment functions of public health organisations, such as the area health services, and provides for the transfer of employees of those authorities to the newly created New South Wales Health Service.

I seek from the minister clarification on a number of issues. Firstly, while it is uncertain whether any of the corporations' employees are employed under Australian workplace agreements, given the policy of the Queensland government and its opposition to the WorkChoices reforms, it is likely that another type of industrial instrument governs the employment relationship. I seek the minister's clarification on some of the industrial instruments that have been applied to the entities that we have been mentioning in the Queensland jurisdiction. Also, given that it has been less than a year since the WorkChoices reforms commenced, it is possible that the pre-reform state instrument continues to apply as a notional agreement preserving a state award or a preserved state agreement by virtue of the transitional arrangements in the WR act.

The issues that are particularly pertinent to the broader public sector, and which are not covered in this act, relate to the question of how the government will address major issues of workplace bullying and a failure to retain staff due to workplace culture. For example, in the emergency services sector there is growing concern about fatigue, stress and ambulance staff shortages. We have seen the systemic bullying and harassment of ambulance officers and paramedics, particularly those who have been leading the fight against the high rates of staff turnover, and staff turnover is really quite drastic. While some efforts have been made to address chronic staff shortages, as 1,200 additional paramedics will need to be recruited to the QAS over the next five years, the main government response has been to back those who want to ignore the problem. However, this goes to the heart of industrial relations within the state public sector.

It is not good enough to say that you have the laws and the policies in place. You have to look at the culture and what is actually happening within the workplace. From the failure of workplace relations in the Queensland public sector, we know that many people have been left scarred. They have been burnt out and have left occupations that they were highly committed to, but could no longer tolerate the culture that existed within those occupations. Currently nothing in the state legislation effectively addresses that issue. Issues such as bullying and retention rates are clear indicators of a workforce that has a sickness that needs a cure. The laws that we have seen to date do not address those issues.

I turn to Queensland Health. Medical staff continue to quit the health department in droves. According to the government's latest statistics for staff employment, the resignation rate is running extremely high. While the Premier and the Minister for Health continue to boast about staff increases of 530 doctors here and 100 nurses and allied staff there, the number of people who are leaving the system continues to mount. That number overwhelms the number of staff being recruited.

In fact, the figures are quite stunning, for example, with the Ambulance Service. I will table some of those figures, because the resignation rates for medical officers and VMOs, in the context of what we are talking about with recruitment, clearly show that the state public sector industrial relations climate is not a healthy one. If this government continues to pat itself on the back and say that it has the moral high ground in regard to how people are faring under its state based system, it is time that it came to the table and showed us how it will truly reform a culture that is failing to serve those who are at the coalface of providing public service to the community.