




Speech by  
**Curtis Pitt**

**MEMBER FOR MULGRAVE**

Hansard Thursday, 23 August 2012

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## **PUBLIC SERVICE AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr PITT** (Mulgrave—ALP) (4.05 pm): I rise to contribute to the debate on the Public Service and Other Legislation Amendment Bill 2012. This legislation and its management through the committee process has been nothing short of farcical. The opposition will be opposing this legislation. In the public briefing by departmental officials, the government asked the department on two occasions why there had not been consultation on this legislation. On each occasion the department answered that this was because it was not government policy to consult. I will say that again: because it was not government policy to consult. It appears that this government is so bad at consultation that it has failed to even consult with its own committee members about the fact that the government's policy is not to consult. This is a farce and something one would expect to see on an episode of *Yes, Minister*. The committee report at page 4 states—

... realistic consultation times should be adhered to particularly when legislation affects numerous stakeholders.

It is a pity that this is not government policy. That committee view says more about the willingness of LNP backbenchers to stand up to the so-called leadership team of this government and tell it how it is, and I commend them for that.

Queenslanders should be concerned that after four months of LNP government with a large parliamentary majority a policy has already been developed to not consult with the public. Under the definition of 'consultation', it generally occurs before a decision is made. This process has been faux consultation explained away by so-called urgency. The government claims that this legislation is urgent because there is a need to provide legislative effect to the transfer of the Public Service appeals registry function to the Queensland Industrial Relations Commission. The appeals function has been operating from the Queensland Industrial Relations Commission since 1 July following the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill 2012. If the government had consulted and managed this legislation properly, it would have no reason to claim urgency for this legislation. This is just another example of rushed legislation with a policy of limited—or now no—consultation leading to mistakes.

The Labor Party does not agree with this approach, nor do we agree with this legislation. This legislation transfers Public Service appeals to the Industrial Relations Commission for the purposes, according to the explanatory notes, of allowing the Public Service Commission to have a public sector efficiency agenda. Representatives from the Public Service Commission advised the committee in the hearing that they had completed an audit of all government departments looking at the non-frontline, particularly at levels of corporate services and policy and program staff. Of course we have not seen this document made available to the public—just as this government continues its cruel holding pattern for government workers over their future.

The Public Service Commission will also have public interest disclosure oversight transferred to the Queensland Ombudsman under this legislation. The reasons cited for this move are to increase efficiency, although no detail or substance has been provided to substantiate this. This legislation also removes requirements for annual ethics training for government workers. We are not surprised by this move and it will not help the government in its so-called 'restore accountability in government' agenda.

There has been absolutely no justification provided by the government for the transfer of administrative functions from the president to the vice resident of the Queensland Industrial Relations Commission. The only justification is that the department went through legislation and looked at various provisions and this seemed to work better. We are none the wiser about what any of these provisions are or what justifies these 'procedural' amendments. Most concerning of all are the amendments in this legislation to broaden the scope for legal representation in the Industrial Relations Commission. The strength of the Queensland Industrial Relations Commission is that it is a layperson's court. In fact, in describing the transfer of administrative arrangements, the committee report at page 11 describes the commission as a 'lay tribunal'. It is a forum where workers and union advocates can operate on a level playing field with employers. The justification provided for these changes—that industrial relations matters are now more complex—is about as bad as no justification at all. Introducing legal representation will only make these matters more complex. It allows parties to slow decision making by bogging it down in legal technicality. Further, it risks removing the level playing field of the commission and providing an advantage to employers over employees.

As the Queensland Council of Unions pointed out in their submission—

... employers have access to financial resources which place them in the position where they are able to engage legal representatives on all occasions.

It is disappointing that this legislation will undermine the ability of lay advocates in the commission to achieve the best negotiated outcomes, rather than legalistic adversarial decisions. This government claims to stand for efficiency and reducing costs, but all that allowing broader legal representation will do is balance negotiations in the government's favour. It will allow the government to stall negotiated outcomes and increase costs for all parties concerned.

As the United Firefighters Union outlined in their submission, some of these increased costs will have to be met by the government. The Queensland Teachers Union outlined in their submission that the cost for a QC or SC is in the range of \$1,000 per hour, for a senior barrister \$600 per hour and for a junior barrister \$400 per hour. These are costs ordinary Queensland workers cannot afford. It seems that, for this government, it is okay to find money for your election promises by sacking government workers and it is also okay to amend legislation to open up the ability to spend more money undermining workers' rights.

This is significant legislation in terms of what it does to workers' rights in this state, and this government did not even consider it worthy of public consultation. It is symptomatic of this government's approach to workers—of leaving them in the lurch on whether they have a job until the budget, of stripping away their enterprise bargaining agreements with the stroke of the pen, and at every turn treating hardworking Queenslanders with a complete lack of respect, almost as if they are not real people. Well, they are real people and, as the august Westpac-Melbourne Institute Survey of Consumer Sentiment has found, real people are suffering from this government's reckless decision making.

The Treasurer and this government cannot deny that Queensland has experienced the sharpest fall in sentiment of all states within its first four months. The Queensland Industrial Relations Commission's role is set out in the Industrial Relations Act 1999. The objectives of this legislation are to 'support economic prosperity and social justice' by 'promoting participation in industrial relations by employees and employers' and by 'encouraging responsible representation of employees and employers by democratically run organisations and associations'. It seems that with this legislation the government has forgotten the principal objectives of the Industrial Relations Act—just as this government has forgotten about the requirements in the Industrial Relations Act to consult with employee organisations about dismissals, and just as this government has forgotten about treating government workers with dignity and respect.

The opposition will be opposing this legislation because it is simply ill-considered. It is legislation aimed at changing the focus of the Public Service Commission away from the efficient delivery of services to Queenslanders to an ideological focus of attacking government workers. It is legislation that will result in increased costs for employers and employees through making the layperson's tribunal of the Queensland Industrial Relations more legalistic. This LNP government is not interested in a level playing field between employers and employees, nor is it interested in consulting with the community. The LNP would rather strip away employee entitlements with a stroke of a pen, as it has done with Public Service directive 8/12 that now allows this government to contract out most of the Public Service. This was done—just like this legislation—with no proper consultative process. We will not stand for this in the Labor Party and most Queenslanders will not, either.