Speech By

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INDUSTRIAL RELATIONS (FAIR WORK ACT HARMONISATION NO. 2) AND OTHER LEGISLATION AMENDMENT BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (12.46 pm): I rise to make a contribution to this important debate today that we are going to be experiencing on the Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Bill. Let me make it very clear from the outset that the opposition will oppose this legislation. It is yet again another callous attack by this LNP government on decent, hardworking Queenslanders who dedicate their working lives to serving our community throughout this state.

This legislation is an affront to decency. It attacks the basic conditions of Queensland employees. It attacks the core rights of employees to negotiate collectively and it will go down in history as Campbell Newman's Work Choices for Queensland. It attacks our proud history. It tramples over rights and principles that were hard fought, that wise and decent men and women struggled for. It attacks more than a century of that struggle that had a common goal: that every Queenslander should receive a fair day's pay for a fair day's work, that every Queenslander should have the dignity of job security, that every Queenslander should have the dignity of safety in the workplace, that the hard fought right to a safe and fair workplace should be honoured and upheld, that the principles fought for by wise and brave Queenslanders starting in the 1890s and continuing over the following decades should be retained and honoured in this state, not destroyed, stripped away and trampled upon.

This legislation is the latest in a long line of attacks by this LNP government. I want to touch on the drastic and draconian action that the Newman government has taken and how it impacts on the day-to-day lives of unions and their members. The full impact of this latest legislation is how it interacts with the range of changes made by this government in its relentless march to disempower every Queensland worker. Since the LNP government came to power, there has been a parade of legislative changes to industrial relations, each more drastic than the last. Last year, we saw the first steps with the government attacking the power of the Queensland Industrial Relations Commission.

As I have said before, we all know that when the LNP want to go after workers their first step is to weaken the independent umpire. They also introduced the requirement for the QIRC to consider the fiscal position of the government in any enterprise bargaining negotiation. That so-called fiscal position, to be presented by the Treasury, is not open to cross-examination and is simply enforced onto negotiations without any consideration of any other factor. The nature of this was shown in the first of these briefings where the then Under Treasurer appeared and read out pages of the Costello interim report. The information that apparently should be used to settle EB negotiations is reading out text from a summary of the so-called independent Costello report.

The next step was to destroy job security for the Public Service. With the stroke of a pen in the middle of the night the LNP removed job security that has underwritten modern Public Service practices for decades and that is in addition to the around 70,000 jobs that we now know that the government has slashed, including from government owned corporations. In addition to the pain and

suffering caused to those hardworking Queensland workers, they also destroyed the right of those left behind to pick up the pieces. Apart from the obvious and immediate threat to the livelihood of individuals, the greater impact is on the role of the Public Service itself. When public servants are at risk of losing their job without any protections, the impetus for fair and frank advice from the Public Service is destroyed and the constant threat of the axe falling also destroys the economic confidence of thousands of workers. It is just commonsense that when workers are threatened and their job security destroyed they close their wallets and reduce their spending. That impacts on small business, tourism, construction and all other areas of the economy.

Now we do not have time for a full and complete list of the LNP atrocities in the industrial relations area, but along the way they also restructured the QIRC, imposing more restrictions on taking industrial action, gave the minister the power to unilaterally intervene, changed the Labour Day public holiday out of spite and, of course, amongst all of this they also launched an all-out assault on the rights of workers to join unions and take action to pursue their collective interests. The so-called transparency and accountability changes were nothing more than a blatant attack on the rights of unions and their members to honestly and effectively promote the interests of their workers. It is a vicious attack on free speech that strikes at the heart of modern democracy.

The changes aim to silence the voice of workers and their representatives by imposing impossible administrative burdens on organisations to exercise their free speech; force burdensome requirements on unions and elected officials, with disclosure requirements far beyond that of even company directors; impose disincentives for union and business members to seek to be involved in senior activities of the organisation; reverse years of established practice to provide fair and free access for workers to join unions and to organise workplaces; make it harder for union representatives to access workers and represent their interests; and empower managers at the expense of input from workers over their roles and conditions. As was made clear during previous debates in this chamber, the legislation is so extreme there is not a similar example of restricting the freedom of industrial relation organisations participating in public and political debates in any other Australian jurisdiction. I challenge the government to show where in the Western world these issues have been trampled upon.

Day in day out in this parliament I and the other Labor MPs here have to put up with the LNP continually addressing issues around red tape. They ripped away rights of vulnerable outworkers, environmental protections and the rights of local communities to have a say in planning decisions all under the guise of reducing red tape. Yet when it comes to industrial relations changes we see that it is all about creating red tape for employees. The difference is subtle but vicious. With the industrial relations restrictions red tape is not a side effect of the legislative purpose. With the industrial relations restrictions red tape is the purpose of the legislation. The bill deliberately imposes such burdensome restrictions on industrial organisations to spend the funds of their own organisation that it makes their involvement in public debate and political discussion almost impossible.

This stripping of rights is not only harmful because it deliberately restricts the core work of what unions do and why workers choose to join unions in the first place, what makes these changes particularly spiteful and venomous is that it attacks the very workers who strive every day to serve the public interest. Workers in the public sector, whether in an office in the Brisbane CBD, a local hospital, regional police, ambulance or fire station or one of Queensland's TAFE campuses, they do their work to deliver for their local community. When it is comes to negotiations they tend to be reticent to resort to striking because these core services they provide are crucial to Queenslanders right across the state. The real power those workers had to pursue their rights was to raise their concerns in the public arena and garner public support for their campaigns. Stripping the right of unions to spend the organisation's own money to raise issues at the core of their members' interest takes away the main string in their bow and removes the final protection against a government intent on introducing extreme and harsh measures.

The practical implications of the legislative changes stem from the definition of political objectives. It is so broad that it encompasses almost everything a union or employer organisation does. It is not confined to donations to political parties or what could be considered political campaigning. For example, if teachers ran a public awareness campaign about the workplace issue of teacher-student ratios it would be considered a political objective. If nurses and allied health professionals produced materials raising awareness of the risk of outsourcing their jobs, it is not treated as a normal workplace issue that obviously affects their job. No, it would be treated as a political objective. If public servants ran a campaign about the removal of job security it would be considered a political objective, even though it goes to the very core of their workplace rights. Likewise for police officers or ambos or firies, who because of their front-line service to our communities are reticent to resort to striking as part of their industrial organisations. This government

is telling those Queenslanders in uniform that if they raise a public awareness campaign to get more police, ambulance officers and firefighters in their community they are captured under the provisions of political objectives.

The policy position of the LNP government and the Attorney-General is so illogical and nonsensical that it would be funny if it was not dealing with such important issues. It is simply ridiculous that members of unions who choose to join the union, who freely pay their membership fees and get to vote in union elections, would not support their union standing up for their rights when they are under attack. Members would not think there needs to be a ballot before the union takes action on any issue; they would expect the union to take immediate and strong action when their interests are at stake.

Let me be clear: each and every one of these items not only represents damage to decent working people; each and every one of these attacks is another broken promise from this government. This is a Premier who said public servants have nothing to fear from an LNP government. That promise did not amount to much. This is a Premier who promised to govern with dignity, grace and humility but then described sacking government workers in other terms, which is absolutely disgraceful. This is a Premier who rails against red tape, but then imposes so much red tape on employees that it removes their basic rights of collective action and freedom of speech. This is a Premier who promised four per cent unemployment but has delivered jobless figures at global financial crisis levels. Queensland's unemployment was 5.5 per cent at the 2012 election and now it is 5.9 per cent.

At the core of these broken promises and at the core of this government's agenda in industrial relations is a monumental misunderstanding of the modern industrial relations arena based on a deeply emotional and extreme hatred of workers who stand up for their rights and the unions who represent their members. These severe, unheralded restrictions against employees raising serious matters in the public arena create the platform for why this current legislation is so dangerous and outright harmful to so many employees. The LNP have knee-capped employees' ability to pursue their interests through the independent umpire. They have placed unheralded barriers to raising their interests in public debate and now they are preventing employees from pursuing their interests through enterprise agreements themselves.

Sitting suspended from 1.00 pm to 2.30 pm.

Ms PALASZCZUK: Continuing from where I left off prior to the lunch break, I raise specific questions for the Attorney-General about the so-called harmonisation with the Fair Work Act. I know that people from his office and department will be listening to questions put during the debate, so I ask that he address these questions in his reply: if this legislation is about harmonisation with the Fair Work Act, can the Attorney-General please provide the sections of the Fair Work Act that make it illegal for employers to allow payroll deductions for union membership; point to the sections of the Fair Work Act that limit the number and scope of what can be agreed to in the enterprise agreement, to the matters outlined in this legislation; point to the sections of the Fair Work Act that expressly exclude from an agreement training arrangements, workload management, delivery of services or workplace planning; where in the Fair Work Act does it remove the ability of the independent umpire to award interim pay rises; where in the Fair Work Act does it prohibit the independent umpire from granting retrospective pay rises; does the Fair Work Act require a written agreement for employment agreements and where is that contained in this legislation; does the Fair Work Act have no-worse-off protections in awarding pay and conditions to workers and where is that clause in this legislation?

The reality is that, in short, all the employee rights contained in the Fair Work Act are out while all the requirements and productivity clauses are in. It certainly is not harmonisation with the Fair Work Act. The Attorney-General's own departmental officers were frank and honest about this during their public briefing. They confirmed that there are significant and numerous parts of this legislation that are directly inconsistent with the Fair Work Act. In fact, they pointed out that not only are there significant parts of the legislation that are not contained in the federal legislation but also they are not in any other industrial relations system in other states. There are elements that go even further than Work Choices. Once again, we are seeing the LNP rushing through massive changes to industrial relations in an ideological attack that will destroy productive, cooperative, modern industrial relations practices.

Mr Bleijie interjected.

Ms PALASZCZUK: I listened in silence to the Attorney. It would be lovely if he could show the same courtesy. I would expect nothing less from a—

Mr Bleijie interjected.

Mr DEPUTY SPEAKER (Mr Ruthenberg): Order! The Leader of the Opposition has the floor.

Ms PALASZCZUK: They hide behind outrageous suggestions that this is in some way transposing the federal legislation into the Queensland setting. It would be nothing short of misleading to suggest this is the case. The Attorney-General's own departmental officers pointed out the huge disparities between this legislation and the federal regime. We have an LNP that is determined to pursue its extreme industrial relations agenda, but it does not have the guts to actually tell the electorate—that is, the people of Queensland—that it will do it or even admit what it is doing at the same time that it is doing it. It is beyond the realm of believability that those opposite could seriously claim this legislation is simply bringing the Fair Work Act to Queensland. Those opposite are either kidding themselves or they are deceiving the people of Queensland.

There are comprehensive and numerous ways that this legislation is damaging to employees and the system itself. It undermines the very nature of modern industrial relations best practice. At the core of this legislation is the ideological decision to say that enterprise bargaining should not be the pillar of the industrial relations system. Enterprise agreements have been developed and settled as one of the key elements of modern industrial relations and one of the important factors in Australia's economic reform and prosperity over the past two decades.

Without any public discussion and with clearly little consideration or understanding about how this extreme legislation will impact on the system and the economy, the LNP has taken an axe to a fundamental strength of our system. These changes not only will impact front-line workers and their families but also will cause chaos in our industrial relations system for years to come. These fundamental changes reflect the fact that the LNP views industrial relations as an ideological vehicle to attack unions and the values that underpin the broader labour movement. They see industrial relations laws as almost theoretical discussions, rather than something that affects the real men and women who are working to serve the people of Queensland. Let me place on record testimony from the Queensland Nurses Union about the fundamental attack of this legislation.

Government members interjected.

Ms PALASZCZUK: They do not want to hear it, but they are going to hear it again from the Queensland Nurses Union. Beth Mohle states—

> The bill purports to be 'harmonising' with the Fair Work Act 2009. That is not the case. The bill, if it becomes law, will strip away current terms and conditions enjoyed by nurses and midwives in our public health system. The bill will also allow the government, which is also the employer, to directly instruct the Queensland Industrial Relations Commission in relation to so-called modernisation of our awards. The extent to which the minister can direct the QIRC is unprecedented and totally disregards the doctrine of the separation of powers.

Mr Bleijie interjected.

Ms PALASZCZUK: The Attorney-General is laughing. He is not too clear on the separation of powers, is he? He has had a few troubles with that recently. Beth Mohle continues—

> The bill intends to remove two of the principal objects of the Industrial Relations Act in relation to promoting and facilitating the regulation of employment by awards and agreements, and promoting collective bargaining and establishing the primacy of collective agreements over individual agreements.
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> The removal of these two objects, along with the 250 pages of amendments that the Industrial Relations Act required to make good the impact of their removal, represents another fundamental breach and that is a breach of our international obligations in relation to labour standards. I particularly refer to article 4 of the international labour standard Right to Organise and Collective Bargaining Convention 1949 No. 98, which is set out in our formal submission. In short, this convention requires the terms and conditions of employment to be regulated by means of collective agreement.

That is what this bill is about: overturning a fundamental tenet of modern industrial relations law and best practice—that is, the basic principle that employees have the right to join together to pursue their collective interests. Managing that system through genuine negotiations and agreement is an effective form of management that benefits both employees and their employer—in this case, the government. The legislation is another attack by the LNP on the pay and conditions of workers. This legislation—

A government member interjected.

Ms PALASZCZUK: I hear someone to my left saying it is rubbish. It is not rubbish, and if they had bothered to read the bill they would understand the complexities of it. This legislation will attack hardworking staff and reduce their take-home pay, including that of front-line police, firefighters, ambulance officers, health staff, council workers and teachers. This is not good for their families and it is not good for our local economy.

Under the language of 'award simplification', the legislation strips a huge number of rights and entitlements from workplace agreements. It will make it harder or impossible to bargain in good faith to maintain or expand many of the features of current enterprise bargaining agreements. Even if

parties do come to an agreement, the QIRC would then be required to insist on productivity gains as a trade-off for any entitlements included in the agreement. For many workers, especially casual and shiftworkers, the penalty rates and allowances that have been hard fought for over many years have become part of their normal expected family income. Drastic changes to those entitlements will have serious ramifications for those families and a flow-on effect for the economy. This is particularly so in regional and provincial areas where the loss of income will have a long-term effect on the whole community. It is important to note that the take-home pay of workers is likely to be reduced. Even under Work Choices, the award simplification process had provision to protect the basic issue of take-home pay. Even that very limited protection does not appear in this bill.

I do note that the legislation moves the basic sick leave from eight to 10 days. This is one small benefit, but it should be noted that 10 days sick leave is already standard across most agreements. It certainly does not compensate for the drastic reduction in entitlements that this legislation will bring.

As an example of the entitlements to be stripped away, public holidays will lose penalties rates of 2½ times the normal pay. At the same time, managers will be given the power to order a wide range of employees to work on public holidays. This will impact on public servants right across front-line services including police, ambulance officers, firefighters, council and healthcare workers who, by the very nature of their work, need to maintain services on public holidays.

The issue of health entitlements is another example of how this LNP government just does not understand how a workplace operates or simply does not care. Two weeks ago we heard what the Minister for Health said in relation to front-line health workers. I quote from a *Courier-Mail* article, which stated—

"I think people would raise their eyebrows around things like a live sewage allowance or a dirty linen entitlement, which people would probably think should be included as a core part of what staff do" ...

The minister and the LNP members of the legal affairs committee that considered this bill can cast aspersions with regard to this. However, these are real issues that have a big impact on working people's lives.

The shocking bonus that the LNP wants to strip away is $1.56 for hospital staff who end up dealing with soiled linen. We are not talking about doing the laundry the way you or I might put a load of washing on at home. Let me be clear to those opposite about the real people we are dealing with here and the real work that they do. Industrial relations legislation is not just some theoretical debate. It is about real people going to work, the conditions they work under and the pay they take home to their families at the end of the day.

The health staff who are apparently the people receiving excessive bonuses are the orderlies and operational staff who deal with the reality of what happens in hospitals, where patients are very sick and suffer serious injuries. These hardworking men and women clean up after patients who vomit from their treatment, who bleed in their beds, who lose control of their bodies and soil themselves. Patients who suffer shocking accidents have mucus, pus and blood seeping into their sheets. When that happens, it is the orderlies and the cleaners who wash the linen and clean the rooms to provide dignity to patients and to maintain cleanliness and infection control in our hospitals.

I know it is not pleasant to have to think about the work that these people do every day in our hospitals right around the state. I know it is not fun to articulate exactly what we are talking about when we say 'soiled linen'. I would have thought that when we talk about the men and women who do these jobs our first reaction would be to thank them for their service and thank them for the hard work they do each and every day. I certainly did not expect the government's first response to be to resent giving them $1.56 an hour.

As was articulately put during the public hearing on this legislation, chiding these workers for getting around $1.50 for cleaning up human waste is pretty rich coming from committee members who get extra money for sitting on the committee. Let me quote what Ben Swan from the Australian Workers Union said in relation to what the so-called bonus is that they are trying to strip away. Under questioning from the member for Rockhampton, Mr Swan said—

It is not a committee allowance, Bill, which I think a lot of my members would be pretty chuffed at obtaining for sitting on their posteriors. Cleaning laundry in a hospital is not like cleaning laundry at home. You are talking about things that are infected with pus, vomit, blood, faeces, urine and all the other things that go on with that. You are talking about linen that on occasion includes discarded needles, some of which may have been exposed to persons with particular infections. This is not giggles sort of scenarios in a hospital environment. These are the people who are doing the most unglamorous work in hospitals who earn, compared to other professionals or other people working in hospitals, nowhere near what they deserve, in my opinion. Taking a $1.50 allowance and converting it to a bonus, as if it is something to be congratulated for, let me tell you I put the challenge out to every member here, please come out with me to one of the hospitals and you can spend a day cleaning linen, you can spend a day wading through other people's waste in live sewers.

He went on to say—

> Let us just put a few things into perspective when it comes around to this because it is almost as if the accusation is that these workers are stealing the money—stealing the money! How dare they!

To the members of the committee he challenged—

> Go out and work for it. We had to fight in arbitration cases to win that. And that is when we took the independent umpire out. You go and do your inspections and you show them what the conditions are like. But put yourself in that shoe, that is my challenge to you.

So the challenge is there for any member of the committee who wants to go out there and see exactly the kinds of issues we are dealing with here on the floor of this parliament. We are stripping away allowances for people who do really hard work.

The legislation drastically reduces the redundancy entitlements for public sector workers. It appears that the government is getting ready for its next round of job cuts. It could also be preparation for mass outsourcing of the health workforce, which would necessarily involve a large number of redundancies. Just to make sure that the people of Queensland know we are not scaremongering, the LNP have actually outlined in their executive notes that this legislation is pursuing the goals of the Costello audit and the LNP's health blueprint, both of which are premised on the mass privatisation of many health services.

The legislation excludes redundancies from any enterprise agreements. Further, it sets the minimum redundancy at 16 weeks. The LNP is trying to claim that that is only the base level and the current ministerial directive provides for more generous redundancy payments. But under questioning during the departmental briefing, the department confirmed that removing those entitlements from a legally enforceable enterprise agreement and relying solely on a ministerial directive means the government—in this case the Attorney—can unilaterally change the directive and reduce redundancy entitlements. The legislation also gives the Director-General of Queensland Health the power to issue directives that unilaterally override any other industrial instruments. That is an outrageous overreach and is very dangerous for a harmonious department and fair outcomes for workers.

The legislation also effectively strips workers of the right to strike. The time frames imposed mean that workers cannot begin negotiating new agreements until close to the expiration of their current EBA. There are new strict impositions on how long negotiations can occur before the matter is forced to the commission for arbitration. Of course, when that does occur the commission will be bound by the new rules around what must be excluded from any agreement. There is simply no time for unions and their members to run industrial campaigns to pursue their interests.

The legislation also prohibits agreement from the employer or the decision of the commission to award an interim pay rise while negotiations are continuing or retrospective pay rises when agreement is reached. I am sure LNP members will be sent in here to claim that the right to take protected industrial action still exists on paper. I wonder if they have actually read those provisions and if they actually believe what they are saying, because the reality is that the right of a union and its members to take protected industrial action in Queensland has effectively been abolished. Protected industrial action is prohibited during the term of a certified agreement. Although negotiations on a new agreement can begin prior to the expiry date of an existing agreement, the peace obligation period of 21 days during which no protected action is allowed ends no earlier than seven days after the expiry date of an existing agreement.

Upon the end of the peace obligation period, the Industrial Relations Commission must begin the conciliation and arbitration process if one party—the employer—requests the Industrial Relations Commission to do so and the commission is satisfied that another party is organising or engaging in or threatening to engage in industrial action that affects or threatens to affect access to or delivery of services to the community. Obviously, it should be clear to everyone that all industrial action in the public sector will meet this broad criterion of affecting the delivery of public services.

Lo and behold, during the period of conciliation and arbitration, protection action is also prohibited. Protected industrial action can only occur after a ballot of members conducted by the Queensland Electoral Commission. So, if a union were to successfully conduct a ballot for protected industrial action to begin following the peace period, the government would simply have to apply for the commission to begin the conciliation and arbitration process to circumvent any ability of the unions and its members to take action. Is this government seriously suggesting that at the conclusion of an existing agreement a union is meant to commence a ballot of members and take industrial action within a period of seven days before the government will force every case to the commission? It does not make sense. It is simply absurd for the LNP to claim that with these strict changes put in place protected industrial action is possible.

This debate about the right to take protected action is not just a technical discussion about how this new law will operate. It goes to the core of the rights of employees to utilise the one bargaining tool they have—the right to withdraw their labour. The reason the stripping of that right is so damaging in this case is that the legislation creates so many points of disagreement over very significant matters of public policy. We are not talking about pulling a snap strike for the sake of it. This legislation effectively outlaws employees from taking protected action over the reduction in take-home pay, the removal of fatigue provisions for doctors, the increasing workloads on nurses and allied health professionals, and the increases in class sizes for kids right across Queensland.

This is just another example of this government introducing horrific laws but then not stopping there. They are also intent on silencing anyone who would stand up against the LNP's changes. So they remove the ability of employees and employers to come to a comprehensive agreement. They remove the power of the QIRC to arbitrate a comprehensive agreement. They try to remove the ability of unions to spend their own money raising issues in the public arena. And they ban employees from taking industrial action over issues at the very core of their workplace and which affect service delivery for community members right across the state.

The exclusion of so many elements to enterprise agreements will have serious impacts on the services provided to the Queensland public. In particular, the legislation will see senior doctors and nurses placed on individual contracts. Worryingly, their individual agreements will strip out fatigue provisions that currently exist to ensure doctors and nurses do not operate on patients when they are exhausted after long shifts. It will seriously impact on patient care to have hospital managers with the power to direct health practitioners to undertake work, rather than the fatigue and safety concerns of those health workers being paramount.

During the hearing on this bill, the AMA was present to explain their views on the feeling amongst senior doctors in the public health system. I asked—

Is there is lot of uncertainty at the moment with the senior doctors about these proposals?

Mr Turner, representing the AMA, said—

Considering the quite dramatic changes that are proposed, coupled with the pace at which it is happening, it is obvious that there is a huge degree of uncertainty. What we are hearing as their peak representative body is that people will just move interstate or into private practice. This is obviously information that we have heard from our members.

I also asked—

So you could actually see a mass exodus of doctors from our public hospital system?

Mr Turner responded—

We are concerned. Consistent with our statement today and with information we have communicated to the minister, we are concerned about workforce across the state, because of the decentralised nature of medical services.

I want to put it to those opposite, especially to the LNP members who represent communities in provincial cities in regional and rural parts of this state, that it is not a Labor conspiracy that this legislation will impact on the workforce within the public hospital system. This parliament has been provided with that clear evidence from the AMA. I want those regional LNP members to consider what they are going to tell their constituents when their local hospital or health facility suddenly loses services, loses doctors and the quality of care to their community is slashed. What we will remind their constituents is that it was not a mistake. They did not do it accidentally. They have been warned. Now they are in parliament deliberately attacking workers' rights, stripping important workload provisions from agreements, and what we will see is doctors leaving our public health system and the quality of care will suffer as a result.

The impact of this legislation will risk the structural and systemic strength of the health system. In health care, the quality of the treatment that patients receive is determined not just by the individual skills of the treating doctors and nurses but also by the systemic environment and working conditions that the system delivers. Let me read into the record the evidence of Beth Mohle, Secretary of the QNU, which represents Queensland nurses and midwives. She said—

While this bill, if it becomes law, will strip away a significant number of industrial provisions currently enjoyed by nurses and midwives in our public health system, there is one most serious matter that has been directly targeted by the bill as being a non-allowable matter in any industrial instrument and that is the provision that relates to workload management. The current nursing and midwifery award and our current certified agreement contain both provisions in relation to the workload management tool known as the business planning framework. This is a recognised business tool designed to determine appropriate staffing levels for nurses and midwives. This ensures that safe nursing practice can be maintained and, therefore, ensures safety for patients. The workload provision was first put into our award in 2002 and by consent of Queensland Health and the QNU has remained an industrial provision ever since. It is a dynamic tool that has been amended and improved over this time. At no point since its inception in 2002 has Queensland Health raised any objection to the ongoing application of this tool. Indeed, this is the very tool that has been used to develop the staffing levels for our new Queensland Children's Hospital, which will open in late 2014.

Here we have laid bare for all of those opposite the very real impact that this legislation will have. It will erode the working conditions of hardworking men and women who dedicate their professional lives to caring for sick Queenslanders in our public health facilities, and it will erode the quality of care that those men and women strive to provide each and every day. This will, in turn, end up hurting patients who need care the most.

Alex Scott from the Together union also provided a clear explanation of how this legislation will impact on patient care and how this will occur with the proposals put forward by the government. He said—

This committee needs to understand, if the legislation goes through and the draft contracts, as we understand them, go through—and I would implore you to get briefings on the nature of those contracts—what we will see is a complete power balance change within the hospital system and Queenslanders will die unnecessarily at the hands of this parliament. At the moment there is a fundamental difference between the work done by senior medical officers who are dedicated individuals trying to save lives and do the best for patients and senior managers who are under strict instructions to balance the budget.

At the end of day, when my children are in the hospital ward, I want the person making the decision to care about them not the budget. This contract is about reforming the certainty of employment for senior medical officers. I think that will dramatically change the ability of senior medical officers to stand up to hospital managers, to stand up to those people in Charlotte Street and say, 'No, this is wrong.' We have already seen a number of senior medical officers move sideways under the current regime. What the contract arrangements would allow is for those people to be dismissed if they stand up and say what the government does not want to hear or say what the health managers do not want to hear.

This government has historically used its power in parliament to override collective bargaining agreements. This legislation would allow local managers to override the contracts that are in place. If you sign a contract in the private sector, you sign a contract that gives you certainty. If you are a senior medical officer with a gun to your head over your income and you sign a contract, the employer can change that contract whenever they like.

But the most evil part of this legislation is the complete deregulation of hours for senior medical officers. For years, through collective bargaining, doctors have been warning managers that, no matter how talented and no matter how dedicated these doctors are, if you work shift after shift after shift, if you work excessive hours, you will become sleep deprived and you will make the same mistakes as if you were under the influence of alcohol. The process of moving doctors away from collective bargaining, where they have a voice and a guarantee about inappropriate shifts not being worked, to the contracts that we believe are being proposed by the health system will remove any guarantees senior doctors have in relation to saying, 'Unreasonable hours, no. I am too tired to see this patient. I need to go home and rest.'

At the moment the department tries to get around that, but there is a significant financial penalty. That is why we have fatigue leave clauses, to force hospital managers to manage the staff to fix the patients. The annualised process being suggested under these contracts will mean people do not lose money but work excessive hours, and the parliament will be giving to local hospital managers the ability to manage the hours of doctors. We think that will be an absolute disaster, because we know historically that prior to collective bargaining hospital managers worked junior and senior doctors for far too long. Mistakes were made; people died. This will happen in your electorate unless you stop these contracts.

Let me make this clear: members of the House have been warned fairly and squarely about the flow-on impacts of this legislation. It is not just on workers and families but also on patients who rely on a good quality public health system for their ongoing care and at times to save their lives.

This legislation also impacts on schools right across Queensland. One of the provisions that will be forced to be excluded from any agreement with teachers is the requirement to maintain teacher-student ratios. Increasing class sizes will impact on students in every community especially the most vulnerable. The evidence provided by the QTU demonstrates clearly how this legislation will negatively impact on teachers across the state and will reduce the services provided to students. Let me quote from the QTU in relation to Kate's testimony at the committee. She said—

It is difficult to clearly determine what elements of certified agreements and awards would be prohibited given the introduction of non-allowable matters in legislation. However, in attempting to decipher the intent, the QTU believes that some of the following might be at risk from its own awards and agreements: curriculum coordination time provided to primary schools; heads of curriculum positions provided to primary schools; the school based management guarantees, which actually offer protections around the government's independent public schools proposals; class sizes; the Remote Area Incentives Scheme; transfers and relocations; and the access of temporary teachers to permanency.

These are core elements of the modern education system. In attacking teachers, this government is undermining important pillars of our education system. This legislation will hurt not only teachers and principals but also negatively impact on students and their families. Workplace delegates from United Voice made a passionate contribution to the public hearing on this bill, and I want to do their contribution justice by reading parts of it into the record today. The committee heard from Barbara, a school cleaner, who stated—

I am here because I worry about the removal of the workload management provisions and job security. If the workload management provision is removed it will impact on our children's health. School cleaners are vital in keeping schools and kids healthy and safe. Without thorough cleaning, our schools are the perfect breeding ground for germs and disease. If the calculation of cleaning time is removed from our agreement we will have to clean more rooms with fewer resources in the same time frame. Efficiency will go down and infection will go up.

In terms of job security, employment is very important to all workers, especially school cleaners. The uncertainty around whether our job may be outsourced is very stressful. It puts pressure on our families, especially our budgets. The threat that you may lose your job at any given time makes you second-guess purchasing goods such as a washing machine or refrigerator or getting a loan to buy a car. At the back of your mind you are concerned about being able to pay that debt. If job security is removed from the award our stability goes.

United Voice Senior Industrial Officer Kylie Badke outlined that it will have deep impacts to exclude so many elements of normal workplace relationships from being allowed to exist in enterprise agreements even when the employer and employees would otherwise both agree. Ms Badke outlined—

These changes are designed to remove protections contained in awards and collective agreements and move employees onto individual contracts. By isolating and seeding division, this government seeks to disempower its workforce.

Significant changes will be made to the process of making certified agreements. When parties come together to negotiate certified agreements they will no longer be permitted to negotiate about matters essential to the employment relationship. For example, in the negotiation for the agreement applying to teacher aides, the parties agreed to maximise the number of hours provided to existing permanent employees. These are not only employee protections but enhance productivity and employee job satisfaction. It is entirely reasonable for industrial parties to be able to reach agreement on these types of employment conditions.

Both Barbara and Ms Badke raised important points about how this legislation will impact on communities across Queensland on not only front-line workers but also their families, local economies and schools. When workload provisions are deliberately excluded from agreements, the quality of services provided to our community will suffer. That extends to the support provided to students by teacher aides, by cleaners who keep our schools clean and by orderlies, nurses, doctors and allied health professionals who care for our patients and our public hospital system right across Queensland. As we have argued on this side of the House for the last 18 months, when you strip away the job security of workers, you destroy consumer confidence. Then you will see the very natural reactions from workers and their families when they spend less in their local economy and at times pack up shop, move interstate and perhaps never return to Queensland.

Mr Minnikin: Who wrote this rubbish? It is absolute rubbish.

Ms PALASZCZUK: You will have a chance to speak shortly. I have a new candidate for Chatsworth just about to be announced.

Mr DEPUTY SPEAKER: Order!

Mr Minnikin: I look forward to it.

Mrs Frecklington: What about relevance?

Ms PALASZCZUK: This is all relevant.

Mrs Frecklington: The member for Chatsworth?

Ms PALASZCZUK: The new Labor candidate. I am looking forward to that announcement. We might even do it this week just for the member for Chatsworth.

Mr Minnikin: An early Christmas present, thank you.

Government members interjected.

Ms PALASZCZUK: Mr Deputy Speaker, they do not like these candidates out in the field. I can see they are all getting a little testy. All of these candidates will be out there talking about what you are doing to industrial relations in this state.

Mr DEPUTY SPEAKER: Order! Leader of the Opposition, let's get back to the bill.

Ms PALASZCZUK: Thank you very much, Mr Deputy Speaker. I know that my colleague the member for Rockhampton and shadow minister for emergency services will explain how this legislation will impact significantly on the front-line work of police officers, ambulance officers and firefighters. These hardworking Queenslanders dedicate their life to public service and do not deserve to be attacked in the way this government insists upon. They undertake important and complicated work, and the range of duties undertaken across emergency services is greatly varied. Employment agreements are comprehensive because they reflect the nature of the work they do.

I thank the representatives from United Firefighters Union, United Voice and all the unions who represent these workers on a day in, day out basis and provided important testimony to the committee. As I flagged, the member for Rockhampton will examine this area in more detail, but it should be a wake-up call to those opposite that when they attack police officers, ambulance officers, firefighters and nurses they are attacking the services they provide to communities right across our great state. At the end of the day, it will be Queenslanders who will lose.

There is also a serious risk that this legislation is not only about immediate harm to employees but also about setting up future government policy outcomes such as mass outsourcing. The stripping of entitlements for health workers, making awards as simple as possible and reducing redundancy payments can be seen as preparation for the mass outsourcing of health employees. The plan for mass outsourcing is set out in both the Costello audit and the health blueprint. There is also the risk that the stripping of entitlements makes it more likely to transfer non-incorporated private sector

bodies into the state system. It was flagged by the Attorney-General last year, and I ask him to address in his reply whether he can absolutely rule this option out.

In summary, this legislation is another attack by this government on the pay and conditions of workers across the state. This legislation will attack hardworking health staff and reduce their take-home pay as well as that of front-line police, firefighters, ambulance officers and teachers.

Mr Cox: It will make sure they get paid. That is what it will do.

Ms PALASZCZUK: Up to 17,000 people are not being paid at the moment because they have been sacked by this government—up to 17,000. That is not good for those families or the Queensland economy. The bill also attacks penalty rates for workers—

Government members interjected.

Ms PALASZCZUK: Everybody has a chance to speak in this debate. I look forward to the contributions of members who are so keen to interject but who perhaps may not be so keen to hop on their feet and defend these attacks on workers across our state. This legislation attacks penalty rates for workers who have to leave their families to work while the rest of us have the day off. This government does not care about workers receiving fair pay for their work and they do not care about families being able to spend quality time together. The LNP changes will put senior doctors and nurses on individual contracts and will remove fatigue provisions that prevent doctors from operating on patients when they are too tired. The government is preparing for mass privatisation of health services and it needs to come clean with Queenslanders about where and when this is going to happen. That will be bad for health workers and all Queenslanders who deserve the highest quality and accessible public healthcare system across the state.

I would actually give credit to those in the government if they just came out and were honest about what they are trying to do. They should just put their side of the debate and prosecute their ideological arguments. They do not believe workers have the right to collectively bargain. They do not think workers have the right to take industrial action even in circumstances endorsed by the independent umpire. They want to make it easier for the government to unilaterally reduce redundancy payments by removing those requirements from enforceable agreements. They did not tell the people of Queensland before the last election they intended to do this. The least they can do is admit what they are doing now. Queenslanders deserve better from this arrogant government. They deserve to be able to work with dignity. They should have the right to collectively bargain. They should have the right to strike. But this government is on an ideological bent to completely strip away workers' rights and entitlements.

At the end of the day the public will become wiser about what this government is doing. I look forward to attending the rally this afternoon—the rally that will be attended by workers in this state who are concerned about what this government is doing. This government continues to attack workers, stripping away their dignity, stripping away their rights, and they will never stop. This Attorney-General has an ideological vision in which he keeps coming in and changing the industrial relations system in this state.

The opposition is very clear in its opposition to this bill. We will not be supporting it. We do not believe in it. When Labor is returned to government we will restore the balance.