




Speech By
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MEMBER FOR KAWANA

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PUBLIC SERVICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BLEIJIE** (Kawana—LNP) (2.46 pm): I rise to make a contribution to the Public Service and Other Legislation Amendment Bill 2020. In September 2018 the Premier commissioned Peter Bridgman to conduct an independent review of Queensland's employment laws. Bridgman's report, titled *A fair and responsive Public Service for all*, made a total of 99 recommendations. The Bridgman review concluded there are significant problems in Queensland public sector employment laws. Bridgman alerted the Premier to the state's fractured employment framework on 3 May 2019, but it has taken the Premier or this government almost 1½ years to address these issues. The bill aims to fix the significant problems and issues about employment laws and practices that have been formed and continue to manifest under the Palaszczuk Labor government.

The contents of the bill are to give effect to stage 1 of public sector management reforms which arise from the recommendations of the Bridgman review. The bill amends the Public Service Act 2008 and the Industrial Relations Act 2016, provides for appeals to be heard under the Industrial Relations Act instead of the Public Service Act by the Queensland Industrial Relations Commission to increase consistency in appeal decisions, establishes positive performance management principles to support managers and employees to work together to support optimal performance, clarifies the threshold for taking disciplinary action, and provides for new directives to guide disciplinary action and procedures, investigations and positive performance management.

To a large extent, what the bill achieves is reasonable and that is why the opposition will not be opposing the bill. The recommendations of the Bridgman review are fair and the response is relatively proportionate, but what is not fair or proportionate is when the government chose to tear up the industrial agreements and freeze the wages of frontline public servants before she took it upon herself to introduce this bill. However, that is exactly what the Premier and industrial relations minister did. They went to the extraordinary length to legislate over legally binding certified agreements. The decision is clearly one which is out of touch with the basic principles of employment law—something the bill aims to address. Labor rushed through these amendments by tacking them on to the Community Services Industry (Portable Long Service Leave) Bill at the last minute with no committee scrutiny or input from stakeholders. This blindsiding practice by Labor is simply undemocratic. The Premier's decision to freeze public servants' wages was rightfully slammed by public servants and their unions.

Ms GRACE: Mr Deputy Speaker, I rise to a point of order on relevance. This is a matter that was debated in this House not too long ago and I refer to its relevance to this legislation. Is he debating the same question again?

Mr BLEIJIE: Mr Deputy Speaker, I rise to a point of order. With respect to the long title of the bill, this is an act to amend the Industrial Relations Act, the Public Interest Disclosure Act and the Public Service Act. In responding to the minister's point of order after she said in her contribution that this bill is about fairness in public sector employment, I would contend to you, Mr Deputy Speaker, that wages that are generated from the Public Service Act are relevant to the long title of the bill.

Mr DEPUTY SPEAKER (Mr Stewart): Member for Kawana, I ask you to bring it back to the bill being debated, please.

Mr BLEIJIE: The bill establishes a special commissioner to provide advice to the minister about areas of public administration relating to the Public Service Act, such as gender pay equity and promoting a diverse workforce. The LNP questions the need for such a commissioner. It cannot be disputed that the Public Service already comprises hundreds of positions which focus on promoting a diverse workforce and it is therefore questioned why a high-paying position needs to be created to add an extra layer of bureaucracy.

I have to question why the Labor government is wasting taxpayers' money on a commissioner to promote the likes of gender identity, for instance, when the government has also launched an Inclusion and Diversity Strategy 2015-2020. The strategy states that it provides agencies with a point of reference for the development of diversity strategies, policies and guidelines to embed the principles of inclusion and diversity in their culture, systems and processes. If agencies are already developing diversity strategies then what is the point of a new commissioner? We have seen Labor governments over the years appoint commissioner after commissioner, set up office after office, and the objectives are never achieved. The Public Service are getting less support than they ordinarily would with these new commissioners and the bureaucracy which is always created under a Labor government.

The Palaszczuk Labor government is simply wasting more valuable money, which it cannot afford to lose, to promote an already diversified workplace. Why does the Premier not focus her attention on finding ways to stimulate Queensland's economy? I dare say it is because the Premier and the Labor government have no clue how to do that, which is why Queensland will soon be in over its head with \$100 billion worth of debt. Queensland's record debt level is an embarrassment and the Premier should be ashamed of the role she has played in it. People are losing their jobs and businesses are going bankrupt and all the Premier can think of doing is to appoint a diversity commissioner in the Public Service. It is clear that Labor's priorities are all wrong.

The bill also addresses the disciplinary system. It clarifies the threshold for taking disciplinary action and provides for new directives to guide disciplinary action and procedures, investigations and positive performance management. Specifically, clause 28 allows a public servant who is being disciplined to first ask the Public Service Commission to review a procedural aspect of the department's handling of the matter before the disciplinary matter is finalised. The LNP does not oppose these changes, but what I will raise issue with is the extraordinary length of time disciplinary matters take in the Public Service before finally being resolved. The message is clear: the longer disciplinary matters take to finalise, the more it costs Queensland taxpayers.

Take, for example, the issue last year of the investigation into former public trustee Peter Carne, who was suspended after serious allegations were made relating to misbehaviour. Carne was suspended on full pay for one year of his hefty \$300,000 a year salary. Prior to that there was the case of former chief scientist Suzanne Miller, who was caught out misusing \$75,000 of public funds for personal gain and suspended from duty. She had worked in her role for only six months of her three-year contract. During her court proceedings she stalled the proceedings 19 times claiming that she needed to find a notebook that had been seized by the CCC. When offered to go to the CCC to look for the notebook she declined, saying she did not feel comfortable with that. Thankfully, she was convicted of fraud and sent to prison.

The great issue with that case is that the suspension lasted 2.5 years despite the government's own policy which suggests suspensions without pay should occur when criminal charges have been laid and/or the matter is prevented from being finalised due to an external factor outside the agency's control. What is not clear is whether she was paid in full for the 2½ years she was suspended. The *Courier-Mail* suggested at the time that she was.

In an attempt to gain certainty the opposition submitted question on notice No. 26 on 4 February 2020 asking the Minister for Science to clarify the total length of time Ms Miller was suspended with pay, the total amount of income received by Ms Miller while suspended and whether at the time she transitioned to suspension without pay and why. The minister refused to answer. Surely the public has a right to know how much they paid for a fraudulent high-flying public servant who was not even working. Of course, this is expected from a government that prides itself on secrecy and attempts to pass laws to imprison journalists for reporting on allegations of corruption. It is no wonder that because of the Palaszczuk Labor government Queensland has being dubbed 'the secret state'.

I will address one of the amendments that is being moved by the minister, and as I have said in this place many times, it is quite frequent for this minister to move amendments to her own bills.

Ms Grace: He holds the record.

Mr BLEIJIE: It was 200 to 300 on the racing bill I think. I take the interjection the minister is about to make. It was not her bill at the time.

Ms Grace interjected.

Mr DEPUTY SPEAKER (Mr Stewart): Order! Stop debating across the chamber.

Mr BLEIJIE: She got handed the bill and just had to do it in the parliament. The explanatory notes—which I was handed a copy of as I jumped to my feet to speak, so I have not had an appropriate opportunity to fully read the amendments—state that one of the amendments being moved was inadvertently missed from a previous bill. For this Labor government that is—

Mr Minnikin: Par for the course.

Mr BLEIJIE:—par for the course. I take the interjection. There are also amendments to the right-of-entry provisions under the Work Health and Safety Act in terms of applying the same provisions of right of entry to the Electrical Safety Act. The CFMMEU has been found in continual contravention of the right-of-entry provisions of the work health and safety legislation at the federal level and many of the leaders of the union who have been taken to court because they have wrongfully entered a construction site have now set up another body registered in Queensland called the CFMEUQ. That body is designed to get around the federal right-of-entry provisions. It should be concerning, and it is concerning to the construction industry. I get scared when the Minister for Industrial Relations starts moving more amendments to workplace right-of-entry provisions under the Work Health and Safety Act and the Electrical Safety Act because the CFMMEU, which has been found many times to be in contravention of the legislation of the right-of-entry provisions, has now set up—

Mr Power: He's Labor! He loves the CFMMEU!

Mr BLEIJIE: I take the interjection. In my last speech I was quoting the CFMMEU for attacking the government and now I am attacking the CFMMEU. I am returning to form. I reflected on my lunch break at the commentary I made and I cannot let this last parliamentary sitting pass with the members opposite thinking that I was the new best friend of Michael Ravbar.

Mr Power: We know you are.

Mr BLEIJIE: No, no, no friend. The CFMMEU has now set up another body called the CFMEUQ, which is deliberately designed to get around the federal laws with respect to right of entry. Now they are going onto construction sites and holding up construction right across Queensland under the CFMEUQ brand, deliberately getting around those federal laws. If the minister is serious about business and COVID recovery, and she mentioned COVID recovery in her second reading speech, then give construction a go and give builders a go.

We know that when the CFMMEU gets involved in construction sites in Queensland on government jobs it adds about a 30 to 40 per cent increase in taxpayers' money. In its last, dying days the government should be investigating the CFMEUQ in the minister's own department and finding out if they are, in fact, breaching any of the federal laws under the new body, the CFMEUQ. I have seen correspondence from the minister's own department where they have explained to businesses the reason the CFMEUQ was set up and they cannot take action against them is that they are not now covered under the workplace right-of-entry laws under the federal legislation.

Ms Grace: That's right.

Mr BLEIJIE: I take the interjection: 'That's right.' It is wrong. The minister may think it is right, but it is actually wrong. When you have a union body in Queensland that is causing so much grief on construction sites and shutting down construction sites for industrial disputation and there is a federal law to stop that threatening and intimidating behaviour—people have been convicted under federal laws—and then the body goes around those laws by setting up a new body in Queensland, yes, Queenslanders should be concerned.

They are doing exactly what they did with the threatening behaviour on construction sites in Queensland—the intimidation that the CFMMEU is known for—and they are getting away with it because, first, the Queensland government allows them to do it and will not take action against them; secondly, we have seen many instances of this occurring; and, thirdly, there is a federal law that they are getting around. Do members remember when Sally McManus from the Australian Council of Trade Unions said that union members can breach laws if they do not like the laws? That is exactly what is happening in Queensland. The CFMEUQ is breaching federal industrial laws because they do not like them.

Ms Grace: They are federal laws—federal laws.

Mr BLEIJIE: Is it okay to breach federal laws? Is it okay to bully and intimidate construction companies and workers on work sites if it is a federal law and if they do not like the federal law they can register them in Queensland?

Ms Grace: They are federal laws.

Mr BLEIJIE: Yes, they are federal laws and they were breaching the federal laws. They have been convicted of breaching the federal laws, but now they are not. Now they are getting around it by establishing themselves as the CFMEUQ under the minister's watch. They are registered under this minister's watch in her own department.

Ms Grace: Federal laws.

Mr BLEIJIE: Yes, they are federal laws. Is the minister now saying that because the Corporations Law is a federal law that you can breach it in Queensland?

Ms Grace: They are federal laws.

Mr BLEIJIE: I know that they are federal laws. I said that they are federal laws and I said that they are breaching the federal laws, but they should be held accountable.

Mr POWER: Mr Deputy Speaker, I rise to a point of order. While the discussion of federal laws is interesting, it is not relevant to the bill.

Ms Grace interjected.

Mr DEPUTY SPEAKER (Mr Stewart): Member for McConnel, I think you have made your point with your interjections. Member for Kawana, I think you understood the member for McConnel's interjections. I encourage you to continue with the debate on the bill, please.

Mr BLEIJIE: I am concerned about the amendment that is going to be moved by the Minister for Industrial Relations. As I have said, it sends shivers down my spine whenever this Minister for Industrial Relations mentions 'right-of-entry provisions' in amendments before this House.

As I have said, there are a lot of things in this legislation, such as the commissioner, that we think are more layers of bureaucracy being set up by the Labor government. That will not achieve anything other than costing Queenslanders a lot more money at a time when they can least afford it. I would much rather see the Queensland government investing the money that it will cost to set up a commissioner and a commissioner's office in assisting small businesses that are struggling with the coronavirus shutdown and restrictions. I would rather see money prioritised into the COVID recovery rather than—

Ms Grace interjected.

Mr BLEIJIE: I am talking about the Special Commissioner. This is all about the legislation and I am saying that it is a waste of money. That is pretty relevant. I am saying that setting up the commissioner, which is what we are debating today, will be a waste of time. We have seen commissioners come and go under the Labor Party. In fact, who can forget that this week the Treasurer wound up the Productivity Commission? A former treasurer, the member for Mulgrave, set up the Productivity Commission separate from government, but then the independent Productivity Commission said some bad things about the government.

An opposition member: They were too independent.

Mr BLEIJIE: I take the interjection; they were too independent so now Treasurer Dick is taking them under his arm so that he can decide what they will do. I congratulate the member for Mulgrave for setting up the Productivity Commission independent of Treasury, but now of course it will be under Treasury and I am concerned about that. As we have seen, commissioners come and go under Labor. They have a way of saying that if there is an issue they will set up a commission. As I have said, every department has an obligation to have diversity in the workplace. They are already doing it. Every department is doing it. They do not need a commissioner to do it. This is about creating more jobs in the Public Service for Labor commissioners and things like that. It is ridiculous. The departments are already doing it and the money should be invested elsewhere.

As we have seen many times before, the Labor government is responding in the prism of an election to be held in less than 60 days. For example, in question time this morning they announced a rapid action squad that is on its way to Townsville to take care of youth crime issues. They are on the jet and heading straight up there today. They have not done anything on those issues for five years and all of a sudden, in the prism of an election, we have to get to it and get all this passed.

We support the legislation, although we say that there are things in the legislation that really will do nothing for the Public Service. As I said at the start, if the Labor government is serious about the Public Service, it should give frontline workers their pay increase. We supported hardworking Queensland public servants getting their proper pay, but the Labor government voted for a pay freeze. We voted against the pay freeze. We believe that our teachers, police, hardworking nurses and frontline workers deserve that pay. They had an industrial agreement to say that they were getting a pay

increase, but Labor froze their pay. I am very proud that the Liberal National Party moved an amendment to freeze politicians' pay in that bill and I am also proud that we voted against the pay freeze for public servants. When public servants go to the election, they should ask the question: who is best placed to look after their interests: the Labor government that voted against their pay rise or the LNP that supported the pay rise for all of our frontline workers? I say to the Labor members that it is not too late to pass on the pay increase that hardworking public servants were due and that was negotiated.

In conclusion, I say that we are very concerned about the right-of-entry provisions. There should be a full investigation into the CFMEUQ, which is getting around federal laws. As the industrial relations minister says, they are federal laws, but that does not mean that you can break those laws. Currently there are CFMMEU officials in court because of those federal laws. At one point, 110 union officials from the CFMMEU were in federal courts because of breaches of the federal laws. Now it seems that under this Queensland industrial relations minister, because they are federal laws, you can breach them and it does not really matter.

Ms GRACE: Madam Deputy Speaker, I rise on a point of order on relevance.

Madam DEPUTY SPEAKER (Ms McMillan): Member for Kawana, come back to the bill.

Mr BLEIJIE: When dealing with the amendment circulated by the minister that talks about the right-of-entry provisions, the unions and registered organisations—including the CFMEUQ—have a right of entry. This will directly apply to the CFMEUQ in Queensland as a registered organisation under the industrial relations minister's office. They are the ones causing all the disruption, fear and intimidation on Queensland construction sites. It should stop, but it will not stop under the Labor Party. I can tell the House this: it will stop under an LNP government.