

Question on Notice

No. 272

Asked on Tuesday 06 March 2007

MR JOHNSON asked the Minister for Transport and Main Roads (MR LUCAS)—

QUESTION:

With reference to Queensland Rail's proposals to lengthen shifts to 12 hours to combat chronic staff shortages, which the Rail Tram and Bus Union claim is the adoption by Queensland Rail of measures introduced under WorkChoices legislation—

Does he support Queensland Rail's new shift proposals and what action has he taken to stop government owned corporations and statutory bodies in his jurisdiction adopting the principles of WorkChoices, given the Government claims it is opposed to the laws?

ANSWER:

The Government does indeed oppose the Commonwealth's WorkChoices legislation and has taken a number of steps to protect its employees from the legislation's impacts. However, Queensland Rail (QR) is a Government Owned Corporation (GOC) registered under the *Corporations Act 2001* (Cth.), and subject to the *Government Owned Corporations Act 1993* (Qld.) (GOC Act). QR is also considered a "constitutional corporation" engaged in trading and/or financial activities and is consequently impacted by WorkChoices amendments to the *Workplace Relations Act 1996* (Cth.) (WorkChoices).

The High Court decision handed down on 14 November 2006 did not assist the position of GOCs in relation to WorkChoices. Consequently in consultation with shareholding Ministers, GOCs as part of their E&IR planning for 2007-08, are being required to include within their E&IR Plans, a Schedule of Minimum Employment, Industrial Relations and Job Security Principles, designed to ensure that pre-WorkChoices conditions, entitlements and arrangements are maintained for staff of GOCs. QR has agreed to the inclusion of this schedule within its E&IR Plan for 2007-08.

I can advise that QR's implementation of shifts of up to 12 hours duration has nothing to do with WorkChoices. Shift lengths of up to 12 hours are also worked by other QR employees, in decisions that pre-date the introduction of WorkChoices. Incidentally, QR's major competitor in Queensland uses 12-hour shifts, and 12-hour shifts are also worked in most other States of Australia.

QR's Traincrew Agreement (TCA) came into effect in 1996 and was renewed in 1998. Since its inception, the TCA, through the incorporation of award conditions established in 1994, has made provision for two-driver shift lengths of up to 12 hours to be worked where agreed, and stipulates that agreement is not to be unreasonably withheld to work such shifts.

I have been advised by QR that it has undertaken an exhaustive consultation and dispute resolution process over a 12 months period with the AFULE and the RTBU in relation to the roster proposals and a number of changes have been made to original proposals in response.

On 5 February 2007, QR implemented the new roster (which included set shift arrangements up to 12 hours) after notifying unions and employees that the consultation process had been fully exhausted. I have been advised that fewer than 30% of rosters for Jilalan Depot will be for shifts of up to 12 hours.

QR also undertook an extensive risk assessment of the proposal to work shifts of up to 12 hours at Jilalan depot, and ensured that rostering arrangements comply with guidelines for tolerable fatigue management. That risk assessment process has also been recently discussed with officers from the Queensland Department of Transport, who raised no concerns with the process.

In summary, I am advised that QR has consulted with unions and DEIR on the proposals to change shift rosters at Jilalan and the other depots associated with Goonyella coal export operations and has followed the processes laid down in its industrial instruments and their underpinning codes of practice in developing proposals for implementation or trial and paid due regard to the minimisation of fatigue impacts. QR has not used the regressive elements of WorkChoices to achieve these changes.