

Question on Notice

No. 753

Asked on Wednesday, 13 June 2018

MR R MOLHOEK ASKED MINISTER FOR TRANSPORT AND MAIN ROADS
(HON M BAILEY)

QUESTION:

Will the Minister advise the cost of Queensland Rail defending the Rail, Tram and Bus Industry Union's action [Australian Rail, Tram and Bus Industry Union v Queensland Rail Transit Authority T/A Queensland Rail [2017] FWC 6029 (22 December 2017)] and appeal in the Fair Work Commission including all legal fees and disbursements?

ANSWER:

I thank the Member for Southport for the question.

Queensland Rail's external recruitment campaign delivered on a key recommendation of the *Queensland Rail Train Crewing Practices Commission of Inquiry* (Strachan inquiry), which recognised that Queensland Rail was experiencing an ongoing decline of driver and guard supply from 2014, when under the previous LNP Government, zero drivers commenced training that year.

The external recruitment campaign, which commenced in August 2017, is the biggest recruitment drive Queensland Rail has ever undertaken, with more than 10,000 applications for driver and guard positions received and assessed.

In respect of the Fair Work Commission case regarding external recruitment, Queensland Rail spent \$193,932.75 on legal fees and received a favourable outcome.

This is in stark contrast to \$480,000 of taxpayer money spent to defend the decisions of the former LNP government in the High Court challenge bought by various unions following the creation of the *Queensland Rail Transit Authority Act 2013*.

In May 2013, the former LNP government made Queensland Rail a statutory authority which meant Queensland Rail employees were subject to the state industrial relations regime at the time. The LNP government then cut more than 1700 jobs from the organisation, including frontline traincrew roles.

In November 2013, various unions commenced a High Court challenge seeking declarations that Queensland Rail was a trading corporation for the purposes of the Commonwealth Constitution and that the *Fair Work Act 2009 (Cth)* (and existing enterprise agreements under that Act) were binding on Queensland Rail.

In addition to nearly half a million dollars of taxpayer money being spent to unsuccessfully defend the former LNP government's decision, the High Court ordered Queensland Rail pay the unions' legal costs.