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## State Government Legislation Update

### Industrial Commission

As previously reported, the state government introduced legislation which allows them to use lawyers in the Industrial Commission. I previously provided a link to your union's submissions to the parliament about that Bill. The final parliamentary report has now been released and if you are interested you can use the link below to read the final report. You will note that some of your union's submissions have been referred to in the report.

<http://www.parliament.qld.gov.au/work-of-committees/committees/FAC/inquiries/past-inquiries/PublicServiceAmend>

Given the LNP parliamentary majority, the new legislation was passed to give the government what they want.

The government subsequently pushed through even more changes. These laws give the government power to renege on and abolish existing certified agreement terms agreed with previous governments and invalidate award clauses previously approved by the Industrial Commission.

For example, members will be aware of the slash and burn threats to job security occurring across the public sector. Much of this aggression would have been moderated by employment security clauses in existing certified agreements. I have previously reported that the State Government issued so-called "Directives" invalidating existing job security clauses. The government's actions were subject to a Supreme Court challenge by unions who argued that the issuing of the "Directives" was illegal.

In response the Supreme Court challenge, the State Government passed laws which give them broader power to invalidate existing certified agreement provisions and presumably to knock out the Court challenge.

The State Government's new amendments to the state Industrial Relations Act invalidate award or certified agreement provisions dealing with 'contracting out' 'employment security' and 'organisational change'.

For example, Clauses 2.3 “Employment Security” and 2.4 “Permanent Employment” of the Queensland Fire and Rescue Service Certified Agreement 2009 now have no effect even though no one has agreed to change them.

The changes to the laws also affect long standing award “Termination, Change and Redundancy (TCR)” provisions. These provisions have always required, as soon as practicable, the employer to notify employees and their unions about workplace changes which could result in job losses. The employer was required to consult with unions about change and job losses, and to discuss ways to avoid or minimise job losses and the effects on employees.

The new laws have diluted the government’s “TCR” obligations so that the government is not required to notify unions about decisions until the government decides the time is right, is not required to consult with unions until after the decision is notified, and is not required to consult about the decision or than in relation to implementing it.

The changes appear to alter the effect of the “TCR” protections from meaningful consultation into simply telling employees what is going to happen to them. This contradicts the purpose of these long standing arrangements which have been in place across Australia for over 25 years.

The state government has little respect for existing agreements and seems willing to use all of its power to get its own way, whether by fair means or foul.

I am determined to do whatever I can to maintain our united stance in defence of your rights.

### **Changes to Labour Day public holiday**

The State Government has also introduced the Holidays and other Legislation Bill 2012.

The purpose of the bill is to shift the observance of Labour Day from the traditional month of May to October.

The Bill reverses a decision of the previous government which, following a review of the Holidays Act, and community consultation, legislated to move the Queen’s Birthday holiday from June to October.

There was broad support for spreading public holidays more evenly throughout the year as most were observed in the first part of the year.

The new government’s Bill reverses the decision and moves the Queen’s Birthday back to June and shifts Labour Day instead.

The new government did not have any community consultation but did allow a short period for written submissions. UFUQ consulted with the Queensland Council of Unions (QCU) and endorsed their submissions that Labour Day should be left alone.

Labour Day has been observed by Queenslanders in May for over a century. Many people also refer to it as “May Day”. It is an important commemoration of the historical and ongoing achievements of the labour movement and a traditional opportunity for union members and their families to meet for an enjoyable day.

The Queen’s actual birthday is neither in June nor October.

It is disappointing that the new government chose to target the Queensland labour movement's special day, and many people suspect an element of spite came into the decision. The effective date has not been finalised yet, so we may still commemorate Labour Day in May for one more year before it changes.

I expect that the labour movement will still want to commemorate the May date for years to come in any case despite the public holiday date. I will keep members informed as to how this all unfolds.

If you want any further information about this you can look at the link below:

<http://www.parliament.qld.gov.au/en/work-of-committees/committees/LACSC/inquiries/past-inquiries/HOLAB>

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**State Secretary**