

Madam speaker,

I rise to make comment on the industrial relations (public sector conditions of employment) bill 2011.

I come to this debate with hands on experience and knowledge of the New South Wales industrial relations system.

I have worked previously as a union official with the USU and over the past 12 years have requested the assistance of the industrial commission to settle disputes for working men and women.

Workers did not always win, however members at least had an independent umpire to determine fair and reasonable outcomes. The commissioners themselves are extremely practised in the interpretation of awards and industrial agreements, and in common law.

I believe that this legislation is an attack on democracy itself. It will impact upon rural and regional centres where public sector agencies are major employers. (Country and regional residents' value and support vibrant rural communities).

To fail to maintain wages against the cost of living (without cuts to services or staff numbers) in a time of growing labour market shortages will lead to an exodus of quality staff to other states or private sector.

What I have not seen is any evidence by the government nor any member on that side of parliament to consult with these workers.

May I suggest that the term "productivity savings" is a weasel word phrase and it is offensive to manipulate language in such a shallow manner. If you are honest it means cuts to budgets and services, pure and simple.

The idea that there can be endless productivity savings is farcical as there is a point where such productivity savings actually make the system unproductive.

If you believe that there can be endless productivity savings I have a bridge over the harbour I wish to sell you.

This legislation is so shortsighted, ideologically driven and needs to be withdrawn and those who support it should also in my view, be removed.

I oppose the legislation on many levels as it is in my view unreasonable, unfair and un-Australian.

There was no consultation with the workers of New South Wales, and I would also suggest that there was no consultation with the relative unions that represent these workers. Barry O'Farrell did not take his plans to the election because he knew that the people of New South Wales would reject it. This says much about Barry O'Farrell and his government. It sends a clear message to the people of New South Wales. That message is that Barry O'Farrell and this government cannot be trusted to represent in the best interests of workers. They are no friend of the worker madam speaker.

Presently workers have enshrined in their conditions of employment certain protections and safety nets. This legislation effectively removes all protections and safety nets but goes even further to reduce wages by enforcing productivity gains.

With most awards and industrial agreements , wages can be increased by using methods such as competency assessments which workers are paid for the skills and knowledge that they bring to a position.

It includes systems that promote ongoing training which is beneficial to both the worker and the organisation .This system has been recognised as fair for over sixty years or more.

Workers should be paid for the skills, qualifications and the knowledge they bring to a job and not to make productivity savings to an organisation which is used to threaten future pay increases. That is the role of management, who Madam Speaker should have planned for in budget estimates and management plans .

O'Farrell and this government will have organisations competing on wages they pay the workers and not on services that they provide to the broader community.

These changes seek to restrict the NSW industrial relations commission.

It will enable Barry O'Farrell to be judge and jury.

This bill seeks to manage public sector wages through regulation.

It will demoralise the very workers who are this state's most committed and important workers. They are highly skilled and valued members of all communities.

Madam speaker,

The IRC will become a toothless tiger. Without powers to independently conciliate and or arbitrate over disputes workers will have no where to have their grievances settled?

The O'Farrell government have made themselves judge and jury. This is nothing but pure arrogance and flies in the face of pre election promises made by Barry O'Farrell.

Madam Speaker,

This is the worst attack on the workers of New South Wales in over 100 years. Not only are these proposals a huge backward step, but Barry O'Farrell was not honest and open with the people of New South Wales. We know that Barry O'Farrell had a hidden agenda prior to the March 26 elections. But he never told the workers this. this proposed Bill is nothing more than treachery.

Treachery to the people of New South Wales and families who struggle with day to day living expenses, will now have their wages and conditions of employment stripped.

These laws are far worse than the Howard Governments Workchoices madam speaker, because it will leave nurses, teachers , firefighters and other public sector workers with NO CHOICE.

No choice, no independent umpire, no wage increases, no bargaining powers and no life / work balance and no where to go...Madam speaker.

The O'Farrell government want these workers to find productivity gains which must be measured firstly before gaining up to a 2.5% increase.

Madam speaker,

Make no mistake, these laws, espoused by those opposite will force these workers into the private sector. It will be a race to the bottom and in many cases will create the working poor.

Employers will now compete on wages they pay not services that they provide. These changes will affect the people that these workers service on a daily basis as a result of this un-Australian legislation

I myself, believe that the people of New South Wales are now thinking that Barry O'Farrell has been underhanded by not telling the people of New South Wales his plans to strip wages and conditions from them.

The O'Farrell government should remember what occurred when their Liberal/coalition federal counterparts tried the same draconian laws WITH workchoices.. the people of Australia voted the Howard Government out of office.

The election madam speaker was won largely on that issue. We will all remember the civil disobedience that we witnessed madam speaker. And we have seen evidence of this today and rightly so...This bill will be widely and very deeply felt. Australians were very clear in their message to the Howard government and we all witnessed this by the mass national rallies and demonstrations where 1000's of people collectively opposed and expressed their disgust.

The people of New South Wales will not forget what Barry O'Farrell has attempted to do nor will they forgive him....This government have only been here a very short time but already we have seen numerous rally's at the front of Parliament in Macquarie street with nurses, fire fighters, police, council workers, community workers, maritime workers teachers, transport workers, administrative workers and other public sector workers voicing their dissatisfaction, their disgust and their will to keep fighting with the O'Farrell government.

The people of New South Wales did not give Barry O'Farrell a mandate or entitlement to have his way on any particular bill or policy. The March election won by the now government was not a ticket to institute such radical and unprecedented legislation .

It is not responsible government, nor is it in the interests of the workers it will effect. I do not think that any reasonable person could say that this legislation is socially responsible or acceptable.

Madam Speaker, Prior to the election the coalition gave a clear impression that it had no specific plans to change the role of the New South Wales Industrial relations Commission . We have already seen the changes made to the OH&S laws which passed a few weeks ago and which leaves the NSW industrial commission with beary any role to play in the health and safety of workers.

Now here we are not two weeks later with more plans to reduce the role of the IRC and place those public sector workers with no safety nets or protections , only to be at the mercy of Barry O'Farrell.

Madam Speaker,

Barry O'Farrell said before the election that he and his government would listen to the people of New South Wales. Well another broken promise.... clearly he is not listening... well I did not notice him or any of his mates outside at the rally today ..instead he is now saying that we on this side of the house, who have always been a friend of the worker in any sector are running a scare campaign....madam speaker what an insult to the people of New South Wales....especially given that 14000 workers protested today. It is not an exaggeration to say that this legislation will be devastating to the rights of those workers currently employed in the public sector...

Madam Speaker this bill proposes under a new section 146c which is titled " Commission to give effect to certain aspects of the government policy" It provides:

When making or varying any award or order, give effect to any policy on conditions of employment of the public sector employees (A) that is declared by the regulations to an aspect of government policy that is required to be given effect to by the commission and
(b) that applies to the matter to which the award or order relates

So instead of the industrial relations commission , a body made up of judges , non judicial deputy presidents and commissioners we will now have the O'Farrell government dictating all aspects of industrial matters in New South Wales that relate to public sector workers...

This legislation provides that the commission must ...not may ...must give effect to the policy if a policy is declared by regulation to be an aspect of government policy that the commission is required to give effect to. This also includes any future policy at any future point.

But the lies told by Barry O'Farrell do not end there. The O'Farrell government has also misled the community in relation to his statements where he insists that this policy is the policy of the previous government...

Madam speaker, this is simply a lie. It is wrong...at no time did a New South Wales Labor Government ever have the audacity to undermine the role of the New South Wales industrial commission nor the people of New South Wales.

This is not, nor ever will be the policy of a Labor government.

Barry O'Farrell asked the people of New South Wales to trust him...trust his government, and this is how he rewards them.... In my view Madam Speaker, this government has shown the people of New South Wales just what sort of government they have installed....one of deception , one of lies...and a government which cannot be trusted to look after the interests of the workers of New South Wales.

The people of New South Wales should brace themselves for further policy which may happen to take the governments fancy.

That the commission must give effect.

Madam Speaker, when you look at any public sector award or agreement there are normally around fifty different clauses in any industrial instrument.

Each and every clause has a long hard fought and won story to it. Struggles that have been determined by an independent umpire. I am talking about paid maternity leave , bereavement leave, allowances and additional expenses , jury duty leave , tool allowances , overtime , penalty rates , classification scales , status of employment, shift penalties, sick leave and work/life balance clauses and much more, now at risk under subclause 146C...."give effect to the government's policy"....

This legislation is a sell out....

The commission would not be able to make an award based on the evidence and submissions received pursuant to section 10 of the Industrial Relations Act to make an award reflective of what the commission, based on afore mentioned evidence , finds fair and reasonable conditions of employment will now have its hands tied to give effect only to government policy....

This legislation will see NSW workers denied the rights, standards and conditions that all other Australian worker enjoy. It is my view madam speaker and the view of many others that the public sector workers do not deserve this kick in the teeth from the O'Farrell government.

The NSW Liberal / National party have certainly returned to their extreme right wing ideological position and these workers that are being attacked will be the victims.

This is an absolute disgrace and those supporting it should hang their heads in shame.