

ATTACHMENT 1 .

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: Making of a modern award - Resident Medical Officers (Queensland Health) Award - State 2014* [2014] QIRC 133

PARTIES: **State of Queensland (Queensland Health)**
The Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees
Together Queensland, Industrial Union of Employees.

CASE NO: MA/2014/126

PROCEEDING: Making of a modern award

DELIVERED ON: 29 August 2014

HEARING DATE: 29 August 2014

MEMBER: Vice President Linnane
Deputy President O'Connor
Industrial Commissioner Neate

ORDERS :

1. That the *Resident Medical Officers (Queensland Health) Award - State 2014* be made.
2. That the *Resident Medical Officers (Queensland Health) Award - State 2014* be operative on and from 31 August 2014.
3. That the *District Health Services - Senior Medical Officers' and Resident Medical Officers' Award - State 2012* is repealed on and from 31 August 2014 subject to the provisions of s 824 of the *Industrial Relations Act 1999*.
4. That the *Medical Superintendents with Right of Private Practice and Medical Officers with Right of Private Practice - Queensland Public Hospitals Award - State 2012* is repealed on and from 31 August 2014 subject to the provisions of s 824 of the *Industrial Relations Act 1999*.

CATCHWORDS: MAKING OF A MODERN AWARD - Section 140C(1) of the *Industrial Relations Act 1999* - request from the Attorney-General and Minister for Justice -

Resident Medical Officers (Queensland Health) Award - State 2014 - Modern Award made.

CASES: *Industrial Relations Act 1999* Chapter 5 Division 2, ss 140C(1), 140CE, 824.

APPEARANCES: Mr A. Herbert, Counsel directly instructed by the State of Queensland (Queensland Health).
Mr A. Turner of The Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees.
Mr R. Rule of Together Queensland, Industrial Union of Employees.

Decision

- [1] In accordance with Chapter 5 Division 2 of the *Industrial Relations Act 1999* (Act) (i.e. the Modern Award provisions of the Act) and the Request under Section 140C(1) - Award Modernisation by the Attorney-General and Minister for Justice, the Award Modernisation Team (AMOD Team) of the Queensland Industrial Relations Commission has prepared an Exposure Draft of a proposed Resident Medical Officers (Queensland Health) Award - State 2014 ("Proposed Award").
- [2] The Proposed Award was prepared by the AMOD Team in consultation with the State of Queensland (Queensland Health), the Australian Salaried Medical Officers' Federation Queensland Industrial Organisation of Employees (ASMOFQ) and Together Queensland, Industrial Union of Employees (Together) (i.e. the Employer and Unions referred to in Clause 4 of the Proposed Award).
- [3] On 28 August 2014 Deputy President Bloomfield referred a finalised version of the Proposed Award to the Vice President for referral to a Full Bench of the Commission indicating that the abovementioned organisations had reached agreement on the terms of the Proposed Award. The Vice President, on 28 August 2014, referred the Proposed Award to this Full Bench for hearing and the matter was listed today.
- [4] We have been advised that the Proposed Award complies with the Act.
- [5] We are advised that the *District Health Services - Senior Medical Officers' and Resident Medical Officers' Award - State 2012* and the *Medical Superintendents with Right of Private Practice and medical Officers with Right of Private Practice - Queensland Public Hospitals Award - State 2012* are awards of the Commission which currently apply to resident medical officers and will thus be repealed upon the making of any modern award subject to the provisions of s 824 of the *Industrial Relations Act 1999*.
- [6] Having heard from the representatives of the parties referred to in Clause 4 of the Proposed Award, and by consent of those parties, we make the following orders:
- (i) That the *Resident Medical Officers (Queensland Health) Award - State 2014* be made;

- (ii) That the *Resident Medical Officers (Queensland Health) Award - State 2014* operate on and from 31 August 2014;

- (iii) That given the making of the *Resident Medical Officers (Queensland Health) Award - State 2014*, the *District Health Services - Senior Medical Officers' and Resident Medical Officers' Award - State 2012* and the *Medical Superintendents with Right of Private Practice and Medical Officers' with Right of Private Practice - Queensland Public Hospitals Award - State 2012* are repealed on and from 31 August 2014 subject to the provisions of s 824 of the *Industrial Relations Act 1999*.

ATTACHMENT 2 .



SENIOR New Zealand medical specialists are being warned to steer clear of working in Queensland public hospitals.

An article in the NZ Association of Salaried Medical Specialists' publication, *ASMS Direct*, tells doctors they can expect "fewer rights, fewer protections and less negotiating strength" in the Queensland public health sector under proposed Newman Government legislation.

Unions to warn interstate and international docs

Queensland Health payroll still struggling

Fat salaries no problem for Queensland bureaucrats

"Members who are considering working in Queensland public hospitals are strongly advised to reconsider, especially if the position is more than a short-term locum," the article says.

Proposed legislation introduced to Parliament takes away doctors' collective bargaining rights.

Under the new law, senior medical officers in Queensland's public health system would be moved to individual contracts from July.

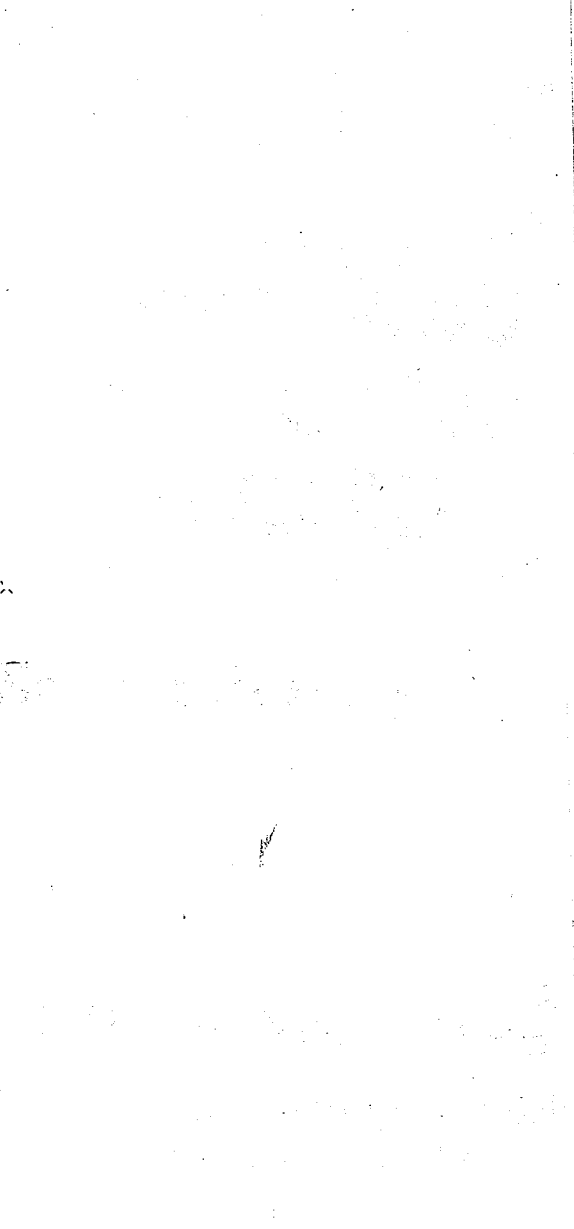
NZ Association of Salaried Medical Specialists executive director Ian Powell described the change as "draconian".

"This reactionary law would, if enacted, increase the power of the Government and health bureaucrats over hospital doctors," he said.

Australian Medical Association Queensland president Christian Rowan said the proposed contracts were "deficient", particularly clauses relating to dispute resolution and grievance processes.

Health Minister Lawrence Springborg said there was no intention to cut wages and conditions. "Senior medical staff employment arrangements must be flexible to respond to the evolving challenges of delivering quality health care," he said.

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ATTACHMENT 3.



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ASEM Industrial Relations Committee

AN EMPLOYMENT WARNING FOR QUEENSLAND.

In view of the increasingly intransigent position of Minister Springborg and the lack of any progress in resolving critical issues, the Queensland Health System, in particular its Emergency services provided by dedicated Emergency Consultants and trainees are threatened. It is clear that the majority of SMOs are reconsidering their employment options.

Do not believe mass resignations can be countered with attracting staff from other States or NZ. Physicians there have become increasingly aware that the contracts are not to be trusted and a sinking ship does not attract a new crew.

ASEM reiterates our employment warning: we advise against taking up any position within Queensland Health at this stage, nor in the future until the legislation has been rescinded.

ASEM is continuing to play an active role in the campaign and working with ASMOFQ, AMA and Together to fund the next stage.

Your representatives have been working long hours pro bono to protect you from an unignorable contract. Please read their feedback carefully and consider the implications for you, your ED colleagues and departments and the patient care that will be adversely impacted if QH is successful.

The Society and it's Council have seen similar issues in 1984/5 in NSW and SA more recently. We believe this campaign will be successful as political pressures on the Minister will become overwhelming.

Resist for the future of emergency medicine in Queensland, its training program and research facilities and maintaining the best clinical practice for all, irrespective of their financial background.

Dr M Berkhout
Chair IR subcommittee.

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For 'Keep Our Doctors' Resource kit please click here

Published 19th March 2014, YouTube Aus
<http://www.youtube.com/watch?v=cTekQTUjmnM>

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Joint ASA, ANZICS and ASEM Response to QLD Government



Please find below a joint response from ASA, ANZICS and ASEM to the QLD Government regarding the current SMO and VMO contracts dispute:

Response to QLD Gov

[CLICK HERE TO VIEW THE ASEM PRESS RELEASE REGARDING THE SITUATION CONFRONTING QUEENSLAND EMERGENCY DEPARTMENT SMO'S](#)