

Tabled 8 November . 2022 .
Senator Cash .

PQ 212 | ABCC consultation - AWU National Executive - Meeting information

Questions 8 and 9 correspondence between the department and the Minister's office re providing talking points for the meeting.

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Attachment to this email chain is pasted in below at the end of this document.
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From: Huender, Sharon <Sharon.Huender@ag.gov.au>

Sent: Tuesday, 21 June 2022 3:03 PM

To: [REDACTED]

Cc: [REDACTED]; Cains, David

<David.Cains@ag.gov.au>; Mathews, Alex <Alex.Mathews@ag.gov.au>;

[REDACTED]; WR DLO <WR.DLO@ag.gov.au>; [REDACTED]

Subject: RE: Talking points for AWU National Exec meeting [SEC=OFFICIAL]

OFFICIALOFFICIAL

Hi [REDACTED], Rachel and [REDACTED]

With thanks to the teams please find attached requested dot points.

Sharon

[REDACTED]

OFFICIAL

From: [REDACTED]

Sent: Tuesday, 21 June 2022 9:11 AM

To: Anderson, Jody <Jody.Anderson@ag.gov.au>

Cc: [REDACTED]; [REDACTED]

Subject: Talking points for AWU National Exec meeting [SEC=OFFICIAL]

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Hi Jody,

The Minister is giving a short presentation at 4pm today to the AWU National Executive meeting, and I'm wondering if you could send up some talking points addressing the following issues? Dot points are fine.

- 1) Current status of WR reforms – legislative timetable/priorities/process
- 2) Latest information that we can disclose on the Employment Summit, including how it fits into the above timetable.
- 3) ABCC:
 - a. Funding – current status
 - b. Code – plan to amend
 - c. Cases – transition issues
 - d. BCIP Act – plan to repeal (dealt with in the above item)

- 4) Plan for ROC – including an answer to why it can't be defunded immediately.
- 5) The Minister might also be asked about energy policies and gas – are you able to liaise with the relevant department to provide some points on this?

Please give me a call if you have any queries.

Thanks very much,

[REDACTED]

[REDACTED] | Deputy Chief of Staff – Workplace Relations

[REDACTED]

Office of Tony Burke MP

Member for Watson

Minister for Employment and Workplace Relations

Minister for the Arts

Leader of the House of Representatives

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Email ATTACHMENT: FINAL TALKING POINTS SENT TO MINISTER'S OFFICE FROM THE DEPARTMENT

AWU National Executive meeting – Talking Points

Current status of WR reforms – legislative timetable/priorities/process

- The government has an ambitious reform agenda to deliver our workplace relations election commitments.
- These reforms will deliver upon the government's commitments to:
 - **creating a safer workplace** by enshrining 10 days family and domestic violence leave in the National Employment Standards
 - **improving institutional integrity** by dissolving the ABCC and ROC
 - **ensuring gender pay equity** by creating two FWC expert panels and creating a statutory equal remuneration principle
 - **making Australian jobs more secure** through a number of measures, including a legislative test for casuals and addressing the gig economy
- We have already signalled our intent to legislate to provide 10 days family and domestic violence leave in the National Employment Standards, as one of the first priorities when Parliament sits in July.

- We must act to ensure that victims of domestic and family violence have greater economic security and leave entitlements to enable them to seek help and support.
- Another top priority is to restore institutional integrity – abolishing the ABCC and the ROC, and moving relevant functions back to the Fair Work Commission and Fair Work Ombudsman will be another of our early priorities.
- We are also planning to move swiftly with measures designed to provide secure jobs, better pay, and have started working on measures to create a legislative test for casuals and provide authority for the Fair Work Commission to set minimum standards for employee-like arrangements, among.
 - It is not acceptable that people should work for less than the minimum wage, and we are determined to do something about it.

Jobs summit

- As you know, another priority for the government is to hold an Australian Jobs Summit, likely to be in September, to hear from a range of stakeholders about issues and opportunities to boost productivity and wage growth, full workforce participation, and address skills needs now and into the future.
- I am looking forward to discussions as part of the Summit about how we can improve productivity through reforming the enterprise bargaining system.
 - We know that workers paid under enterprise agreements tends to be better paid than those who are not.
 - If we can identify some sensible, practical steps to improve the bargaining framework and restore balance and trust in the system, it is my intention to also act promptly to implement any such changes.
- The summit and the white paper is also an opportunity to look to the future and consider how our workplace relations framework can support employment participation, wage growth and productivity into the future.

Registered Organisations Commission

- The Government's view is that the Registered Organisations Commission (ROC) has become politicised and been discredited, and has committed to abolishing it and transferring its functions and powers to the Fair Work Commission (FWC).
 - Given the FWC already has other functions with respect to registered organisations, such as keeping a register of organisations and dealing with applications to amalgamate and de-amalgamate, moving the ROC's functions to the FWC will mean we have a single body with regulatory responsibilities for registered organisations.
- Legislative changes to the *Fair Work (Registered Organisations) Act 2009* are required to abolish the ROC. I am committed to introducing a Bill to do this as matter of priority.
 - The Bill will need to provide for appropriate transitional arrangements, including in relation to any inquiries, investigations or litigation in progress when the ROC is abolished.
- Registered organisations will of course continue to be subject to stringent governance requirements, and there needs to be a regulator in place to help them meet those requirements and enforce compliance when necessary. The FWC is well positioned to perform this role, but will not have the powers to do so until the abolition Bill is passed by the Parliament.
- *If points on withdrawal from amalgamations are required:*

- I am also committed to repealing changes made in 2020 to the Registered Organisations Act that allow registered organisations to withdraw from amalgamations more than five years following an amalgamation.
- This will restore and clarify the long-standing requirement that an application from a part of a registered organisation to hold a ballot of members about withdrawing from the organisation must be made within five years of the amalgamation.

Australian Building and Construction Commission

- The Government is focused on ensuring building and construction workers have the same rights as other workers.
- In this regard, the Government has committed to abolishing the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act) and the Australian Building and Construction Commission (ABCC) as soon as possible.
 - I propose to put a Bill before the Parliament as a matter of priority.
- In the interim, I am taking steps for the Fair Work Ombudsman to take on responsibility for enforcement of the *Fair Work Act 2009* in the building and construction industry as soon as possible, and to defund the ABCC as a priority.
- I also propose to amend the Building Code to remove any aspects of it not strictly required under the BCIIP Act, which only cover a small number of matters, prior to the passage of the abolition Bill.
 - This includes restrictions on enterprise agreements for building work that are not placed on workers in other sectors.
- In relation to current ABCC matters before the courts, the Government is carefully considering options for dealing with this litigation and a range of other transitional issues.
 - I am aware that judgment was reserved by the Full Court (Moshinsky, O'Callaghan and Snaden JJ) in the One Steel Appeal (ABCC v AWU & Anor VID489/2021). The outcome of this matter is therefore in the hands of the Federal Court.
- In the longer term, the Government has also committed to establishing a Secure Australian Jobs Code which will ensure taxpayers' money is being spent on supporting secure employment for Australian workers.
 - This will ensure the fair treatment of workers, including that they receive reasonable wages and conditions.