

THE WESTERN AUSTRALIAN FARMERS FEDERATION
INDUSTRIAL ASSOCIATION

29 December 2008

Committee Secretary
Senate Education, Employment and Workplace Relations Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: cewr.sen@aph.gov.au

Dear Sir,

INQUIRY INTO THE FAIR WORK BILL 2008

We refer to the above.

The Western Australian Farmers Federation Industrial Association (the Association) is a registered industrial association under the Workplace Relations Act 1996.

The Association has a membership of approximately 900 farm enterprises within Western Australia. Membership of the Association is open to all members of the Western Australian Farmers Federation (Inc) (WAFarmers) which is the peak agricultural lobby group in Western Australia.

As a registered association under Federal law, the Association is party to several Awards of the Australian Industrial Relations Commission (AIRC), the most commonly known of which is the Pastoral Industry Award. Currently the Association is heavily involved in the Award Modernisation process being facilitated through the AIRC and in which modern awards will be made to take effect simultaneously with the changes being proposed under the Fair Work Bill 2008.

The Association, on its own behalf and on behalf of WAFarmers has an interest therefore in ensuring that changes to the federal laws, relating to minimum conditions, awards, enterprise based agreements and the powers of registered organisations within the system are reasonable and fair and provide sufficient flexibilities for all persons and organisations that will be bound by such laws.

Some issues of concern within the proposed legislation are that:

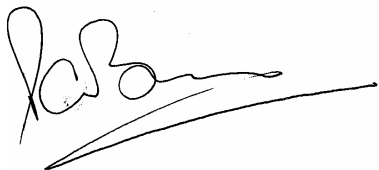
1. Unions will be able to enter a workplace which uses AWA's or non-union collective agreements;

2. Unions will be able to access non-union member records and walk into any workplace, even when it has no members within that workplace. Unions will have an automatic seat at the bargaining table with disproportionate powers.
3. The rights of non-union members to have their own voice in the bargaining process is limited and in some circumstances they may be forced to pay for the right to not be a member of a union.
4. Employers may find it more difficult to outsource business operations. These changes could drive up costs for businesses that need to continually adapt through restructuring to continue to operate as markets decline under current economic conditions.
5. Employers who buy a business and continue the employment of the existing employees will be forced to take on the existing agreement covering those employees and there will be no option to have a new or more appropriate agreement.

The Association seeks to put its views more precisely at a suitable public hearing to be held in Perth, tentatively set for 29 January 2009.

We ask that suitable arrangements be made for this purpose. The writer can be contacted on the above number or at pbrunner@kottgunn.com.au, however please note that the writer will be away from the office until 15 January 2009.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'pbrunner', with a long, sweeping horizontal line extending to the right.

Philip Brunner
Secretary