

**UNIONS NSW SUBMISSION TO
SENATE STANDING COMMITTEE ON EDUCATION, EMPLOYMENT
AND WORKPLACE RELATIONS**

**INQUIRY INTO THE FAIR WORK BILL (TRANSITIONAL PROVISIONS
AND CONSEQUENTIAL AMENDMENTS) 2009**



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Introduction

On 19th March 2009, the Australian Government introduced the Fair Work (Transitional Provisions and Consequential Amendments) Bill (herein referred to as the T and C Bill) into Parliament.

Unions NSW welcomes the introduction of the T and C Bill which is to replace the Workplace Relations Act (herein referred to as “WorkChoices”), but believes that there are elements to the Bill which need to be addressed in relation to state union recognition and representation orders. Unions NSW also welcomes the inquiry and the ability to comment, particularly in light of the history of the introduction to the Workchoices legislation.

This submission by Unions NSW and its affiliates is in response to the Senate Inquiry into the Fair Work (T and C) Bill. It is intended that this submission support and supplement the ACTU submission, (with the exception noted below) with particular reference to deficiencies in the T and C Bill in relation to workers and their representative unions rights and entitlements compared to those that exist under the NSW IR System. Unions NSW does not intend to re-state all matters that are already contained in the ACTU submissions, but simply places additional emphasises on the 2 matters as outlined below. Further, it should be noted that Unions NSW and its affiliates do not support the first 3 paragraphs of 6.2 of the ACTU submission which proposes altering the criteria for determining whether a state-registered union has a federal counterpart.

Unions NSW is a State Peak Body as defined by the Industrial Relations Act 1996 (NSW). Unions NSW has over 60 affiliated unions, with each union representing members from many diverse backgrounds and industries. NSW unions represent members employed in a wide range of industries including public sector, teaching, local government, retail, distribution, childcare, manufacturing, electrical, health, emergency services, engineering, construction, administrative etc

Collectively Unions NSW and its affiliates represent approximately 600,000 workers employed in NSW.

Unions NSW has had a long history of seeking to enhance the conditions of NSW working people through legislative and arbitral means.

Unions NSW and its affiliates support the development of a system that is fair and allows working people and their union representatives to obtain and maintain decent working conditions. We do not support any changes that would result in a loss of entitlements, rights or a reduction in benefits currently enjoyed by those employed under the current NSW system.

State Registered Unions

Unions NSW support the recognition of State Registered Unions in the T and C Bill. Of concern to Unions NSW is the expiry of the recognition of a State Registered Union on 1 July 2014. (Within 5 years). Unions NSW submit that there is a need to have a longer period of recognition. We believe that this time frame is unrealistic in terms of achieving any desired outcomes that are suitable to all affected unions, including the State Registered Union.

Unions NSW notes that the Queensland Council of Unions (QCU) has proposed an extension of the 5 year timeframe for an additional 5 year period. Unions NSW do not oppose this as a minimum extension of recognition. Further, we submit that there should be an ability to extend such recognition for an additional period of time should the desired outcomes not be met during this extended period.

Unions NSW also supports the propositions and amendments to the provisions of the T and C Bill which relate to branch autonomy as outlined in the QCU submission. (Section 154A)

Further, Unions NSW supports the submissions of the ACTU and QCU in relation to the de-recognition of State registered Unions. Unions NSW does not support that the recognition of a state registered union be cancelled or withdrawn in such a wide range of circumstances.

We note though that the T and C Bill moves Schedules 1 and 10 of the Workchoices legislation into a new Act called the Fair Work (Registered Organisations) Act 2009. Unions NSW do not support the removal of the rights and responsibilities of the registered organisations from the principle legislation and into a separate Act. Unions NSW sees no sound reasoning for such removal and separation.

Representation Orders

Unions NSW does not support the inclusion of representation orders, and submits that such provisions relating to representation orders, should be removed from the Bill. It is the view of Unions NSW that such orders will be used by employers to choose which union it wishes to deal with, to the detriment of another union/s and the members whom they are entitled to represent.

Unions NSW supports and adopts the reasoning of the ACTU as outlined in their submission to this inquiry.