

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600
By email: eec.sen@aph.gov.au

8 September 2017

Re: *'Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2017'*

Dear Committee Secretary,

Our organisations wish to make a submission in relation to the “Ensuring Integrity” Bill (‘the Bill’). We are concerned that this Bill forms part of a host of measures currently proposed by this Government that erode the capacity of civil society organisations to stand up to large corporations, and to advocate for measures to better defend social justice and the environment. This is a fundamental challenge to the health of Australia’s democracy.

This Bill represents a political attack on unions and their ability to bargain with employers for higher wages and to resist casualisation. This attack on unions is particularly problematic at a time of low wage growth and growing social inequality. The Reserve Bank Governor Philip Lowe recently described Australia as experiencing “a crisis of low pay”. Lowe urged Australian workers to demand higher wages, observing that higher wages are necessary to maintain the nation’s economic stability.¹

And yet, as recognised by industrial relations scholars, Australia’s industrial relations laws are some of the most restrictive internationally.² These changes will further undermine the ability of unions to redress growing and socially damaging inequality.

We are concerned that the Bill proposes measures that enable employers, industry lobbyists, and even the Minister to interfere with the operation of unions, and to have a say over who can hold office within a union. The Bill proposes that “the Minister or another person with a sufficient interest may apply to the Federal Court for an order disqualifying a person from holding office in an organisation” (section 221).

This is a fundamental violation of the International Labour Organisation (ILO) conventions on Freedom of Association – the only people who should decide who can lead a union should be the members of that union. We are also troubled at the very wide range of offenses proposed to constitute grounds for disqualification.

We are further concerned that the Bill encodes a set of double standards regarding the conduct demanded from unions compared to big business, and the penalties to be applied in instances of their breach. These include:

¹<http://www.abc.net.au/news/2017-06-29/rba-governor-philip-lowe-goes-marxist/8662228>

²<http://www.abc.net.au/news/2017-03-21/have-the-right-to-strike-laws-gone-too-far/8370980>

- a) The grounds for dismissing a union leader are much broader than those for sacking CEOs;
- b) The penalties are double those that apply to corporations;
- c) Shutting down a union is proposed to be made much easier than shutting down a company; and
- d) Unions will be prevented from amalgamating if such amalgamation is deemed by the Fair Work Commission not in the public interest – while companies are free to merge if they comply with the Corporations Act, which considers neither the interests of workers nor a broader public interest test.

Like our own organisations, trade unions are not-for-profit. It is unjust that not-for-profit organisations will face considerably harsher and more onerous laws, than the laws that are in place for major corporations.

In the interests of fostering a healthy democracy and a more equitable society, we ask you to reject the Bill.

Sincerely,
Jono La Nauze

On behalf of:

Friends of the Earth Australia, Solar Citizens, Greenpeace Australia, GetUp!, Australian Youth Climate Coalition, Australian Conservation Foundation, and the Nature Conservation Council of NSW.



SolarCitizens

GREENPEACE

GetUp!



Australian Youth Climate Coalition



**AUSTRALIAN
CONSERVATION
FOUNDATION**



**Nature
Conservation
Council**