

Adam Johnston



35 Woolrych Crescent,  
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7th April 2002

Mr John Carter,  
Committee Secretary,  
Senate Standing Committee on Employment, Workplace Relations, Small Business and  
Education,  
Australian Senate,  
Parliament House,  
Canberra ACT 2600

Dear John,

**Re: Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002**

My greatest complaint about this legislation is its limited application. The Workplace Relations Department does not seem to appreciate that industrial organizations exist outside the confines of enterprise bargaining and, beyond the technical jurisdiction of the Federal Industrial Relations Commission.

In my view, the definition of an "objectionable provision in an award" should be expanded. It should not be restricted to those industrial agreements overseen by the Industrial Relations Commission. The highly commendable principle of the Bill (which is freedom of association) should be extended to any legal entity which purports to require a bargaining fee, for some alleged representative/bargaining service.

In this respect, I am thinking of the tertiary education sector, about which I have written to this Committee on a number of occasions. In this sector, University student unions are still able to compulsorily acquire dues from students. These are purely for the Union's benefit and, no student who wishes to study at a tertiary institution can avoid this charge. As outlined in my submission to you of July 31st last year, the only people who may legitimately avoid union dues are life members of these organizations. In the course of writing the prior submission, I recommended that one course of action was to legislatively deem all union members to be life members of their associations, so that they did not have to pay money for the dubious privilege.

Admittedly, this offends the principle of freedom of association. However, as I have told the Committee previously, failing Government action to bring the treatment of university unions in line with the treatment of all other similar organizations outside tertiary education, alternatives have to be found. Life membership is such an alternative; it at least relieves the financial burden of compulsory union membership. Again however, I can only appeal to the Committee (and the Government) to use the opportunity of this legislation to widen the interpretation of industrial organization. University unions are in every way industrial organizations that should be under the jurisdiction of the Workplace Relations Department. This is emphasized by a letter written to students, from the Vice-Chancellor of Macquarie University.

The university, having experienced a large volume of complaints arising from the disputed election of Student University Council, wrote to the entire student body on 27 July 2001. This letter made several interesting points, particularly in the opening remarks:

"...(A)t the end of 2000, the annual election of MUSC (Macquarie University Student Council) was accompanied by an unusually heavy volume of complaints, from and about opposing factions, and from members of the public. There were complaints about the behaviour of participants, including certain staff of MUSC. The complaint went well beyond what might normally be expected in a healthy political environment, and included repeated allegations of harassment, intimidation and unlawful discrimination. There will also complaints of tampering with election

materials. Students in one faction involved the press and Parliament, and sought to involve government agencies..."

The letter is enclosed for your information, as is my response. Arguably, the quote shows that university unions are just as factionalised, political and capable of intimidation as any other similar organisation. Therefore, they should be treated in a like manner, to any other union. This requires the scope of current legislation in the Workplace Relations Department to be expanded. We may as well start with the current Bill under investigation. Its terms should be widened, to bring university unions within its scope. This could be achieved by allowing the understanding of industrial association to be expanded beyond those entities who may necessarily appear before the Industrial Commission and/or be involved in workplace bargaining.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Adam Johnston', written over a horizontal line.

Adam Johnston