

Attachment E

Submissions of
The Australian Workers' Union,
West Australian Branch

Authorised by
Tim Daly
West Australian Branch Secretary

The Australian Workers' Union West Australian Branch Industrial Union of Workers is an industrial union of workers registered with the West Australian Industrial Relations Commission.

The Forest Products, Furnishing and Allied Industries Industrial Union of Workers, WA. is also an industrial union of workers registered with the West Australian Industrial Relations Commission.

The above two unions though separately registered in the W.A. Commission, combined act as the West Australian Branch of the Australian Workers Union.

The Industrial Relations Act 1979 (the State Act) contains very strong provisions which are written to minimise the prospect or opportunity for demarcation disputes or disputes over overlapping coverage of membership between unions.

The relevant provisions are found at Section 55 of the Act, particularly sub-section (5) of Section 55, which prohibits the registration of new unions or the extension of the eligibility for membership rule of unions where such registration or extension of the eligibility rule will lead to overlapping of coverage unless there is good reason in the view of the Full Bench of the Commission to do so.

Sub section (5) of Section 55 of the West Australian Act states:

“Notwithstanding that an organisation complies with section 53(1) OR 54(1), THE Full Bench shall refuse an application by the organisation under this section if a registered organisation whose rules relating to membership enable it to enrol as a member some or all of the persons eligible, pursuant to the rules of the first-mentioned organisation unless the Full Bench is satisfied that there is good reason, consistent with the objects prescribed in section 6, to permit registration.”

Both the Australian Workers' Union West Australian Branch Industrial Union of Workers and the Forest Products Furnishing and Allied Industries Industrial Union of Workers, W.A. has wider eligibility for membership rules in some respects than the counterpart federal body, the Australian Workers Union West Australian Branch.

It is vital in considering the proposed changes to the Act that the Unions' eligibility rules are maintained. A failure to do so will lead to competition for membership, confusion among workers and industrial unrest.

The situation is further complicated in relation to the Timber Industry in W.A.

The AWU, The Forest Products Furnishing and Allied Industries Industrial Union of Workers and the CFMEU have coverage of the timber industry in W.A.

The eligibility for membership in the State jurisdiction has been well served by the separation between the CFMEU representing workers within 45 kilometres of the Perth GPO and the AWU and FPFIIU representing workers in the South West Land Division.

It should also be noted that in W.A. that the AWU has coverage of the Metal Industry on a national basis. However the Metal Industry Award does not apply in W.A. This has avoided competition for coverage in a significant industry for the state.

There have been good historical reasons for the divisions of eligibility for membership in the State.

Workers in the Furniture and Timber Industries in W.A. consciously determined to link themselves to the AWU rather than the CFMEU in 1991. The views and wishes of these workers should be respected.

The Union has been extremely active in all areas of industry involvement including the negotiation of enterprise bargaining agreements, training issues and occupational health and safety issues. The vast majority of employees in the timber industry's conditions of employment are determined by enterprise agreements negotiated with employers.

The Forest Products Furnishing and Allied Industries Industrial Union of Workers WA have exclusive coverage of the furniture, cabinet making and soft furnishings industry in Western Australia. This is a small industry in WA which has worked hard to grow and develop in the face of increasing competition.

It would be unhelpful to allow for competition for membership in an industry that has been well served by the current arrangements for over a century.

I strongly recommend that any changes to the Act allow for the historical coverage in state unions be allowed to be absorbed into their federal counterpart federal body.

A failure to do so will raise the very strong likelihood of competition for membership; inter union disputes and confusion among workers.

This is the very good reason Section 55(5) was placed into the State act in the first place.