

**SENATE STANDING COMMITTEE ON EDUCATION, EMPLOYMENT AND
WORKPLACE RELATIONS**

Inquiry into *Fair Work Bill 2008*

Question on Notice

Hearing, Perth, 29 January 2009

Minister for Commerce, WA Government

Question from Senator Collins at page 17 of *Committee Hansard*, 29 January 2009:

Can you take me to the provisions in the Bill that force unions as bargaining agents on non-union members?

Answer

The concerns raised by the Minister for Commerce about employee organisations (unions) effectively being 'default bargaining representatives' for non-union members relate to the low-paid bargaining provisions of the *Fair Work Bill 2008* (the Bill).

The Bill provides that a union that is "*entitled to represent the industrial interests of a single employee*" can apply for¹ (and FWA can then make²) a low-paid authorisation. It is not necessary for there to be a single union member among the employees to be covered by the agreement.

Further, a union who applies for a low-paid authorisation will, in certain circumstances, be taken to be the (default) bargaining representative of employees under clause 176(2) of the Bill, even if they are not members of the union. This may be the case even if the employees are members of another union.

¹ Pursuant to clause 242 of the Bill.

² Pursuant to clause 243 of the Bill.