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IR laws take tougher line on unions

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· Banned activities extended · Minister gets broader power · Starts next week

The debate over the Howard government's industrial relations changes is set to reignite after the new laws were formally proclaimed with a starting date of next Monday and detailed restrictions on trade union activities and workplace agreements.

The Workplace Relations Act, passed last year, was finally proclaimed late on Friday, while contentious regulations accompanying the bill were only released yesterday after the polls had closed in Tasmania and South Australia.

The most controversial part of the regulations spells out what will constitute so-called prohibited content, which can no longer be written into workplace agreements under threat of fines.

This content includes restrictions on the use of independent contractors or on-hire arrangements, provisions for unfair dismissal procedures and a wide range of conditions that support the activities of trade unions. The regulations prohibit an agreement mandating union involvement in resolving industrial disputes or right of union entry to workplaces.

Workplace Relations Minister Kevin Andrews said yesterday the regulations were broadly in keeping with the IR blueprint outlined by the government last year and put workers in a strong bargaining position. "Every employer I meet around Australia says 'we are trying to hang on to all our good employees'," he said.

Mr Andrews, who will assume new powers under the regulations, denied that the provisions banning the deduction of union dues from pay packets and which remove provisions for leave for union training were a deliberate attempt to weaken unions.

Business groups welcomed the long-awaited release of the regulations. Australian Industry Group chief executive Heather Ridout applauded the government for paying heed to business concerns in framing the

provisions.

But Labor leader Kim Beazley slammed them as "regulations of infamy" and as "400 pages of undermining family life in this country". "John Howard should be ashamed of himself and so should his ministers," he said.

The **ACTU** said the regulations meant workers and unions could be hit with \$6000 and \$33,000 fines purely for seeking "prohibited content" commitments from employers and that many basic union activities in the workplace had in effect been outlawed.

ACTU secretary **Greg Combet** said: "These laws are an affront to basic Australian democratic rights. They impose harsh fines on Australian workers and unions simply for standing up for fundamental values like job security and fair treatment for employees."

The **ACTU** immediately signalled it would restart its heavy schedule of television advertising against the changes next Sunday, as part of its fight against the new laws. It will campaign until the next federal election in 18 marginal coalition seats.

Mr Andrews said the provisions banning the deduction of union dues from pay packets were not designed to attack the financial base of unions.

"This is not designed to undermine the unions' financial power base. Matters that do not pertain to the employment relationship should not be part of [workplace] agreements," he said. "[Training] is something which people are entitled to do in their own time. It is not part of the job they are doing."

The regulations also spell out the powers and operations of the Australian Industrial Relations Commission (AIRC) and the Australian Industrial Registry and the Employment Advocate.

The regulations spell out the process for conducting secret ballots before taking industrial action.

They impose onerous requirements on the AIRC to report all bargaining agreements to the federal minister for workplace relations on a fortnightly basis.

The new regulations also remove current restrictions on training and apprenticeships under state awards, particularly restrictions on the length of apprenticeships to allow shorter training periods.

The regulations released yesterday will now be considered as part of the states' case against the new laws in the High Court; their written submissions are due to be made by April 7 and the case to be heard in May.

Asked about the reason for making the announcement in the middle of the Commonwealth Games, Mr Andrews said the March release had been foreshadowed for some time. "This was our timetable. We said we would have this in operation in March of this year."

He said the affected parties had been given three months to understand the operation of the legislation and would now have another week to absorb the regulations before they came into force on March 27.

But Mr Andrews also highlighted a backdown by the federal government on its flagged intention to have partly completed cases in the various state tribunals thrown out.

His spokesman confirmed they would be allowed to work their way through to conclusion, in the interests of natural justice.

The fate of part-heard matters in front of the Australian Industrial Relations Commission would be in the hands of the registrars, he said.

Mr Andrews said he hoped the commission would consider the new industrial relations set-up when assessing the **ACTU's** claim for a 4 per cent safety-net wage increase next year.

"The Fair Pay Commission has now been tasked with setting wages and the commission should take that into account and any decision it makes is in harmony," he said.

Mr Andrews reiterated the government's conviction that the High Court challenge to the new laws being mounted by the states was baseless.

"Corporations power was first used by the Keating government in 1993, which started this whole process," he said. "We have had constitutional advice that we are on sound ground using the corporations power."

Mr Andrews, who attended the men's and women's marathons with his family before yesterday's announcement, said the Fair Pay Commission's remaining members would be named soon and it would make its first rulings in the spring.

He again talked up the prospects for employees under the new system, saying a recent study had estimated a skills shortage of 195,000 workers, which would be a major factor in the negotiation of wages and conditions.

CHAPTER AND VERSE

What the WorkChoice regulations spell out

- * What 'prohibited content' cannot be included in workplace agreements; restrictions on the use of independent contractors or on-hire arrangements; provisions for industrial action during the term of the agreement or support for trade union activities; re-negotiation clauses, unfair dismissal position or restrictions on the cashing out of annual leave.

- * How decisions of the new fair pay commission will affect existing awards linked to minimum wage conditions.

- * Transitional arrangements for former state awards and agreements, including the fate of disputes currently before state tribunals.

- * When unions have right of entry to workplaces.

- * How secret ballots will be conducted prior to industrial action.

- * Annual leave and hours of work provisions.

- * Powers and operations of the Australian Industrial Relations Commission, the Australian Industrial Registry and the Employment Advocate.

* Powers and responsibilities of workplace inspectors.

* A ban on disclosure of details of a workplace agreement by a person bound by the agreement.

SOURCE: Federal Government

Caption :PHOTO: Kevin Andrews, Minister for Workplace Relations

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