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Unionists' Fair Work entry 'breaks promises'



KIM MACDONALD

One of the nation's top mining groups has accused the Federal Government of stacking the independent industrial relations umpire with unionists and breaking a key workplace election promise.

Australian Mines and Metals Association chief executive Steve Knott said five of six new appointees to Fair Work Australia, the national workplace relations tribunal, had been union officials.

Mr Knott said the move broke a promise from Kevin Rudd and Workplace Relations Minister Julia Gillard to end political appointments, as well as the perception of bias within the industrial umpire.

"(We) reflect on the bipartisan pledge and the reality that no employer-aligned appointment with real-life business experience has been appointed," Mr Knott said in Perth yesterday.

Five of the six new FWA commissioners were current or former high-ranking unionists when appointed in December. Only one, a senior public servant in the South Australian Government, did not have a union background.

Mr Knott said the Federal Government had also broken a promise to retain right of entry provisions from the previous regime.

Labor's Forward with Fairness policy implementation plan 2007 states on page 23 that "Labor will maintain

the existing right of entry rules". The promise was repeated several times.

But Mr Knott said new laws broadened the number and type of unions and officials that could enter worksites.

As a result, the Pluto project — in the State's North-West — which received almost no right of entry requests early last year, got 217 union requests in the four months after the law was changed in July.

"This is because union officials are no longer bound by the previous government's laws which limited entry to circumstances where they had signed up members and were a party to the agreement or award which applied in that workplace."

A spokesman for Ms Gillard denied

I'm happy to do whatever you like. If you would like me to pledge to resign, sign a contract in blood, take a polygraph, bet my house on it, give you my mother as a hostage, whatever you like ... we will be delivering our policy.

Julia Gillard, National Press Club debate, November 8, 2007, when asked if she would resign if Labor failed to deliver on its industrial relations pledges, including the promise "to retain the right of entry provisions" for union officials.

Since then, right of entry provisions have changed so that union officials can enter worksites where there are eligible members, and they are no longer bound by Howard Government laws that only allowed them on sites where they had signed-up members or traditional coverage.

I will not be PM of this country and appoint some endless tribe of trade union officials or ex-trade union officials to staff the key positions in this body.

Kevin Rudd, 730 Report, April 30, 2007, talking about his proposed industrial relations body Fair Work Australia.

The six FWA commissioners are: John Ryan, a former national industrial relations officer with the Shop Distributive Alliance; Michelle Bissett, a senior industrial officer with the Australian Council of Trade Unions; Julius Roe, former president of the Australian Manufacturing Workers Union; Anne Cooley, a lawyer and former senior official with the Media Entertainment and Arts Alliance and Danny Cloghan, former secretary of the WA Prison Officers Union and long-term adviser to former Labor MP Jim McIntyre. Only Peter Hampton, from SafeWork SA, is not from a union background.

the FWA had been stacked, claiming there was no "deliberate plan" and new appointees had won their publicly advertised positions on merit.

He said the authority was well-balanced, with the total cohort of 38 primary FWA appointments, mostly inherited from the previous industrial regime, including only slightly more from union backgrounds than the employer field.

He said 17 of the 20 appointees under the previous government came from an employer background.

The spokesman denied a backflip on right of entry provisions, claiming the 2007 policy document also showed changes in access, albeit under the subheading which said that existing rules would be kept.