



Working for You

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AT LAST – A BILL !

Today is a momentous day for Australian workers.

As we all begin to make our way through the 613 pages the Government's *Fair Work Bill*, we would all do well to remember the Bill has a long way to go before it becomes law. There is a long road ahead for Australian unions and their members to ensure that the rights they campaigned so hard for are enshrined in the revamped *Workplace Relations Act*.

To help you on that road Carne Reidy Herd and Maurice Blackburn intend to hold a **Breakfast Briefing** to discuss what the Bill does and doesn't do.

The **briefing is set for 9 December**, so mark that date in your diaries. We will provide more details shortly.

In the meantime don't forget the Carne Reidy Herd and Maurice Blackburn Christmas Party. Get your RSVP in to qldevents@mauriceblackburn.com.au and see you at the Plough Inn on Friday from 5.30 until late.

Sean Reidy
Partner

ABCC BACKS OFF?

An issue that we know the Bill doesn't immediately address is the draconian powers of the ABCC.

Right of entry has always been an area that the ABCC has relied on to restrict union rights as far as it possibly can. We are aware of the ABCC sticking its nose into EBAs and sites in Queensland and New South Wales to convince employers that they cannot provide any invitation to union officials to visit their sites except by relying on the formal notice process in the

Act to investigate potential breaches or consult with potential members.

The position of ABCC officers has been that any process that provides scope for a union officer to enter premises outside of those requirements is a breach of the Code and puts the employer at risk of being prevented from working at any government funded sites.

So an EBA clause that allows a union officer to attend a toolbox talk or a consultation meeting is a breach of the Code.

The ABCC has applied this policy even in relation to provisions in EBAs that have been approved by DEWR as consistent with the Code.

But in the latest case before the AIRC about CFMEU right of entry permits, the ABCC has agreed to undertakings from CFMEU officers which allow them to be invited onto premises by an owner.

This looks like a big backdown by the ABCC and may reflect an admission that it can't justify its position once it comes under scrutiny from an independent umpire. It certainly will make it difficult for the ABCC to maintain the line it has in the past about any invitation by employers to union officers to enter their premises being in breach of the Code.



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