



6 April, 2017

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Fair Work Amendment (Corrupting Benefits) Bill 2017

I write to express support for the submission of the Australian Council of Trade Unions (ACTU) to the inquiry in to the Fair Work Amendment (Corrupting Benefits) Bill 2017.

The Bill addresses the matter of criminal offences for bribery and other payments to unions. The Bill seeks to introduce criminal offences for bribery specific to union officials to purportedly give effect to the recommendations of the Final Report of the Royal Commission into Trade Union Governance and Corruption. The Bill departs from the recommendations of that report and would introduce ill-considered laws.

The Bill addresses the matter of prohibitions of payments to unions. The measures contained in the Bill are, amongst other deficiencies, practically problematic as they suffer from a lack of stakeholder consultation.

The Australian Manufacturing Workers' Union (AMWU) and its predecessors have historically had an interest in and played an active role in providing services for the benefit of members. For example, the AMWU's predecessor provided unemployment benefits to members (up until the 1940's and prior to the introduction of Commonwealth provided unemployment benefits). The provision of services for the benefit of members and paid for by employers should not be banned or discouraged by legislation. For example, payments that would be covered by the measures in the Bill are made for a range of legitimate and appropriate services and benefits - including for such important matters as workplace health and safety training and income protection insurance which are for the benefit of employees.

Such payments will only be exempt from an otherwise blanket prohibition on payments to unions unless they fall within one of the prescribed exceptions. Fear of falling foul of these provisions may have the effect of acting as a disincentive to arrangements for the payment of money for matters which benefit employees, employers and the broader society.

The AMWU opposes the Bill.

Yours sincerely

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NATIONAL SECRETARY

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