

12 August 2020

The Hon Mark McGowan MLA
Premier; Minister for Jobs and Trade
5th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

The Hon John Quigley MLA
Minister for Commerce
5th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

The Hon Bill Johnston MLA
Minister for Industrial Relations
9th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

The Hon Paul Papalia MLA
Minister for Small Business
10th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Dear Ministers

STRONG CONCERN – SIGNIFICANT CHANGES TO INDUSTRIAL LAWS

The WA business community is extremely concerned about the changes proposed under the *Industrial Relations Legislation Amendment Bill 2020 (IR Bill)* and the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill (WC Bill)*, both currently before the Legislative Assembly.

We write to each of you in your respective portfolios as the proposed changes will have a significant impact on jobs and trade, commerce, industrial relations and small business.

These Bills were introduced into the Legislative Assembly without notice to the business community yet represent a complete overhaul of the Western Australian industrial relations system and significant change to the workers compensation system.

The Bills will impact detrimentally on businesses across the State. We raise a range of concerns including:

- Failure to consider the impact of proposed requirements on jobs and the economy, particularly at this crucial time as the State recovers from the COVID-19 crisis;
- Lack of evidence or demonstrated need for the changes to begin with;
- Introduction of provisions that confuse who is covered in the national and state industrial relations systems, and create uncertainty and confusion around awards and award applicability (IR Bill);
- Dramatic deletion of collective and good faith bargaining – the very basis on which our Australian industrial relations system is predicated (IR Bill);
- Significant increases to pecuniary penalties (increasing 30x and 300x for serious breaches) (IR Bill);
- Unprecedented powers for trade unions to enter workplaces, including those used for habitation purposes, to take photographs, audio, video and other recordings (IR Bill) – ignoring the fact that the Federal Court and independent reports have found there to be abuse of lesser right of entry powers by union representatives over a considerable period;
- The changes for trade unions appears to be an attempt to grant regulatory and inspection type powers to unions, which duly belong with regulators (IR Bill);
- Potential for trade unions to avoid accountability and 'forum shop' state and federal laws (IR Bill);
- Pushing work health and safety matters into the industrial relations jurisdiction (eg bullying) (IR Bill);

- Establishment of a presumption of work-related injury for broad categories of specified diseases and specified classes of employment, and the related reversal of the onus of proof, which go much further than the stated objective in the Explanatory Memorandum (WC Bill);
- Removal of termination dates for common law workers compensation claims, representing a significant deviation from the current 12-month date – all without explanation, evidentiary basis or consideration of the impact on claims, insurance premiums or industry generally.

These Bills have been introduced despite the Government's alleged focus on jobs and stability, at the worst possible time for business operations, employment and our economy.

We write to request an urgent meeting with you to discuss our concerns in detail.

We look forward to your response. The contact person for arranging the meeting is Sharon Hoysted (sharon@mbawa.com or 9476 9800).

Yours sincerely

The undersigned
JOINT INDUSTRY GROUP

Mr Dean Goodliffe
WA Chapter President



Peter Moore

Mr Peter Moore
Chief Executive Officer



Rhys Turton

Mr Rhys Turton
President



Mr Andy Graham
Chief Executive Officer



David Fyfe

Mr David Fyfe
President



Amanda Dawes

Ms Amanda Dawes
Chief Executive Officer



Mr Carl Copeland
Branch Secretary



Mr Wes Lambert
Chief Executive Officer



Mr Ugo De Laurentis
President



Mr Oliver Moon
Chief Executive Officer



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Danielle McNamee

Ms Danielle McNamee
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Mr Cam Dumesny
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Rachel McMahon

Ms Rachel McMahon
President



Mr Brendon Fewster
Chairperson



Ms Emma White
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Mr Matthew Tweedie
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Mr Graeme Dent
President



Alex Ogg

Mr Alex Ogg
Chief Executive Officer



Mr Carl Copeland
Chief Executive Officer



Mr Aaron Irving
Chief Executive Officer



Mr John Henchy
Executive Officer



Mr Stephen Moir
Group Chief Executive Officer



Mr Neville Pozzi
Chief Executive Officer



Mr Larry Jorgensen
Chief Executive Officer



Ms Cathryn Greville
A/Executive Director

