



24 NOV, 2023

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The Australian, Australia

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Workplace law expert Andrew Stewart has endorsed a deal between Tony Burke and resource sector employers to exclude service contractors from Labor's industrial relations bill, as West Australian Premier Roger Cook praised the federal government's approach.

Professor Stewart, who had raised concerns that the original bill did not exclude service contractors, told The Australian that the proposed amendments "sound like the change" he recommended in his evidence to the Senate inquiry into the bill.

"It does the job of capturing the government's intention that specialist contracting should be out," he said. "At a high level, in terms of policy intent, on the face of it, I think it's doing the job."

The Minister for Employment and Workplace Relations this week reached a breakthrough deal with the Australian Resources and Energy Employer Association, representing some of the nation's biggest resource and energy companies.

The government's deal split the mining industry, with Gina Rinehart's Hancock Prospecting opposing the agreement and the Minerals Council of Australia accusing AREEA chief executive Steve Knott of being a "soft target".

Mr Knott said unlike the MCA and other employer critics, he had seen the amendments and had them reviewed by lawyers before signing off on them in the meeting with Mr Burke on Tuesday.

In a statement on Thursday, Mr Cook's spokesperson said: "We support the federal government's ambitions to provide better protections for workers, and it's good to see the federal government listening to and working with all stakeholders to try to strike a balance on this important legislation and ensure WA can continue to power the national

economy."

Australian Chamber of Commerce and Industry chief executive Andrew McKellar said the AREEA agreement dealt with "a very partial measure that does

not in any way address our fundamental concerns with the bill".

"We're yet to see details of the proposed changes," he said.

"Regardless, nothing announced can possibly deal with the fundamental flaws that exist across the entire bill.

"Changes to casual employment, labour hire, road transport laws, union delegate powers and independent contracting will inhibit future productivity growth, suppress wage growth, destroy jobs and exacerbate cost-of-living pressures."

Professor Stewart said he believed the amendments would bring the bill much more into line with the government's intent.

"The key one is to make this a matter that the commission has to decide from the outset," he said.

"If there is an application for an order, the commission will now have to decide as a threshold issue whether this is an arrangement for the supply of labour or for the provision of a specialised contracting service.

"That change, which certainly sounds like the change I recommended, will bring the bill into much closer alignment with what the government had said was the intent of the position it had (originally) reached with AREEA."

Professor Stewart said the change was not going to resolve all possible arguments about the character of a particular arrangement.

"It will still be open for there to be arguments about whether a particular arrangement really is labour hire or not, but it looks like a far better expression of the government's policy stance, which is we want to deal with this loophole but we recognise that there are some legitimate commercial arrangements which we are not in-

tending to catch.

"This change is going to do a

much better job of capturing that intent than the original bill because the wording in the original bill, in some ways, contradicted what the government was saying was the intent.

"This one is a much better fit.

"It's a better fit with the notion that there's meant to be this distinction between supplying labour and contracting to provide service."

Meanwhile, the union representing 400 train drivers at BHP's iron ore division in WA has called off industrial action planned for Friday following a progression in talks with the mining giant.

It would have been the sector's first industrial action in the Pilbara for 15 years.

Mining and Energy Union state secretary Greg Busson said "while there is no agreement yet, BHP is clear on what is required to be included to receive the support of union members," he said.

"As we understand BHP will shortly put an agreement to ballot, we have paused our industrial campaign and withdrawn our notice for tomorrow as a gesture of good faith."



Stewart