INDUSTRIAL LEGISLATION DECISION

ACTU Congress September 1987

1. PREAMBLE

Congress affirms that the principles of conciliation and arbitration provide the proper basis for a fair and effective industrial relations system for Australia. This system should be based upon a recognition of:

the need to encourage direct negotiations between unions and employers leading to the establishment of industrial agreements providing for improved wages and conditions;

the right of unions and unionists to take industrial action to protect and to promote their legitimate industrial interests without legal impediment;

the right of unions to regulate their own affairs in a democratic way;

the right of union officials and members to perform their union duties free from outside interference;

the principle that industrial relations and the activities of unions should be free from government interference;

the need for processes of effective consultation to take place between government and unions on all aspects of industrial legislation.

2. FEDERAL LEGISLATION

2.1 General

2.1.1 Congress remains of the opinion that the present system of conciliation and arbitration is in need of a major overhaul. Over the last two years much of the debate on this issue has centred around the proposals for reform which were set out in the Report of the Committee of Review into Australian Industrial Relations Law and Systems (the Hancock Committee).

2.1.2 Congress also re-affirms its endorsement of the Hancock Committee's conclusion that 'no substantial case had been made that industrial relations would improve if conciliation and arbitration were abandoned in favour of some other system, such as collective bargaining' and that 'conciliation and arbitration should remain the mechanism for regulating industrial relations in Australia'.

2.1.3 Although many of the proposals contained in the Report of the Hancock Committee had considerable merit, it must be recognised that circumstances have changed in certain important respects since the Report was published. Amongst these have been the operation of a viable wages system; a high level of compliance within the system; continued liberal interpretations of the industrial power by the High Court, and increased use of sections 45D and 45E of the Trade Practices Act and the common law against unions and their members and officials.

2.1.4 The package of reforms which were embodied in the Industrial Relations Bill of May 1987 need to be reviewed in the light of these changed circumstances and of the undertakings which the Government gave to employer groups relating to access to sections 45D and 45E and the common law.

2.1.5 Congress re-affirms its support for the Hancock recommendation that the penal provisions in the Conciliation and Arbitration Act should be repealed as part of an overhaul of the system. Congress is of the view that self-discipline within the system of conciliation and arbitration is the most appropriate means of ensuring compliance with that system. This is clearly demonstrated by experience since 1983.

2.1.6 Congress also stresses that any new federal industrial legislation should:

emphasise that processes of conciliation and direct negotiation are the most appropriate basis for dispute prevention and settlement;

rationalise the existing legislation;

seek to prevent undue government interference in industrial relations matters;

ensure that participation in the federal system should be available to all unions regardless of the nature of the employment of their members;

be framed so as to ensure that it does not impose any unnecessary constraints upon the capacity of the Commission to prevent and settle interstate industrial disputes;

facilitate the amalgamation of unions, and

facilitate the continued valid, effective and democratic operation of unions.

2.2 Conciliation and Arbitration

2.2.1 Prevention and Settlement of Industrial Disputes

2.2.1.1 Industrial relations in Australia will be best served if chief emphasis is placed on conciliation as a means of preventing and settling disputes. This is entirely consistent with the Objects of the Act, which clearly require that the principal efforts of the participants in the system should be directed to prevention and settlement by means of conciliation. Arbitration should be a last resort.

2.2.1.2 The present system of conciliation and arbitration is often excessively legalistic. Too often issues are determined in a 'court room' atmosphere, which is not conducive of their speedy resolution.

2.2.1.3 The facts of any dispute should be ascertained quickly, and the matter should then be processed as expeditiously as is consistent with equality and good conscience.

2.2.1.4 Congress emphasises that the function of industrial tribunals is to resolve the causes of industrial disputes, and not simply to obtain a resumption of work during a stoppage, or to secure the lifting of bans.

2.2.2 Appeals, Reviews and References

2.2.2.1 The present provisions relating to consultation by Commissioners, appeals from decisions of members of the Conciliation and Arbitration Commission and the reference of matters to a Full Bench of the Commission require amendment.

2.2.2.2 The requirement that Commissioners consult with the Presidential member assigned to the relevant panel before

making an award or certifying an agreement tends to undermine the authority of Commissioners and makes it difficult for them effectively to perform their statutory functions of conciliation and arbitration.

2.2.2.3 The provisions which allow a reference to a Full Bench at any stage of the conciliation and arbitration process and which allows the President of the Commission to withdraw a matter at any stage from an individual member of the Commission also tend to undermine the authority of individual members of the Commission and place undue emphasis on Full Bench hearings.

2.2.2.4 Further, the provisions for appeals and references of matters "which are of such importance that in the public interest" an appeal should lie or reference be granted, have proved incapable of clear definition and have resulted in serious inconsistency in approach by the Commission.

2.2.2.5 Too many issues are allowed on appeal or by reference to a Full Bench. The emphasis on Full Bench hearings is unnecessary and wasteful as many matters may be settled satisfactorily by an individual member of the Commission without recourse to costly (both in terms of time and money) and more formal proceedings before a Full Bench. Matters considered by a Full Bench should be restricted to those of major industrial principle and should not be determined by legalistic procedures which have little regard to the issues in dispute.

2.2.2.6 The Government, through the Minister for Industrial Relations, should not have power to interfere in the dispute prevention and settlement functions of the Commission. In particular the Minister should not have power to intervene in matters before the Commission or to apply for the reference of a matter or for the review of a decision of a member of the Commission by a Full Bench of the Commission. Section 34 of the Act should be amended accordingly and sections 36 and 36A should be repealed.

2.2.3 Appointments to Conciliation and Arbitration Commission

All persons who are appointed to the Conciliation and Arbitration Commission must have practical experience in the industrial relations field.

2.2.4 Access to Industrial, Social and Economic Research

The parties who appear before Tribunals should have access to an independent office of industrial, economic and social research. Such an office should be established under the Commonwealth Act. It should provide information and transcript free of charge to unions that are parties to proceedings. This would help to promote equality of access to the Tribunals.

2.2.5 Publications

2.2.5.1 The prompt publication of the Commonwealth Arbitration Reports and of awards and variations is important to the proper functioning of the conciliation and

arbitration system.

2.2.5.2 It is also necessary for consolidations of awards to be published at regular intervals or after a significant number of variations to an award have been made. The Office of the Industrial Registrar should be given sufficient resources to allow such publication and to provide readily accessible information to unions about decisions of the Commission and award standards.

2.2.6 Jurisdictional Issues

2.2.6.1 Too often in the past the efficient functioning of the conciliation and arbitration system has been inhibited by restrictive interpretations of section 51 (35) of the Constitution by the High Court of Australia. For example, some groups of workers have been denied any access to the system because they have been found not be engaged 'in an industry'. In other cases major issues have been excluded from the purview of the Tribunals because they did not relate to an 'industrial matter'. Such decisions bore no relation to social, economic or industrial reality. Congress welcomes the series of decisions since 1983 which have swept away much of this out-moded case law, and reaffirms the need for Parliament to ensure that there are no unnecessary legislative constraints upon the capacity of the Commission to deal with interstate industrial disputes.

2.2.6.2 It is also important that judicial powers such as the power to give binding and authoritative interpretations of awards and the power to order reinstatement and/or compensation in unfair dismissal cases should be exercised in an industrial context. In this regard, Congress notes and supports the recommendations of the Hancock Committee for the establishment of an Australian Labour Court to exercise judicial powers under federal industrial legislation.

3. ENFORCEMENT

3.1 General

3.1.1 There is an enormous range of legal sanctions which may be used against unions, members and officials who take industrial action in Australia. The existence of these sanctions is based on the incorrect assumption that such provisions have a constructive role to play in the formal industrial relations system.

3.1.2 There is clear evidence for the proposition that the use of sanctions against unions and unionists in the course of industrial disputes is likely to exacerbate those disputes and make them more difficult to resolve.

In addition the use of sanctions may well cause permanent damage to the relationship between employer and union and between employer and employee.

3.1.3 Historically, Liberal-National Party Governments have adopted the misguided policy of 'strengthening' and increasing the legal sanctions in industrial legislation. They have created new sanctions and revamped the old ones.

They have attempted to reduce the ability of unions effectively to represent the working men and women of Australia.

3.1.4 The failure of these policies amply demonstrates the need for a more rational and less confrontationist approach to industrial relations. Accordingly, Congress calls on the Labor Government to repeal the sanctions provisions which are presently embodied in the Conciliation and Arbitration Act.

3.1.5 Congress also notes the existence of a range of sanctions provisions outside the framework of the Conciliation and Arbitration Act. This includes ss. 30J and 30K of the Crimes Act, ss. 45D and 45E of the Trade Practices Act, the so-called 'economic torts', and state provisions such as the Queensland Industrial (Commercial Practices) Act. The combined effect of these provisions is to make it impossible for any union or group of workers in Australia lawfully to take action to protect or to promote their legitimate industrial interests. This state of affairs is a disgrace to any democratic society.

3.1.6 Congress affirms that the capacity of the union movement to perform its traditional, responsible functions should not be impeded by either the civil or the criminal law. This must include the right to withhold labour or to impose limitations upon the performance of work.

3.1.7 Congress further declares its full support for any union or unionist acting in accordance with the decisions and rules of their union who are made the subject of the operation of these sanctions.

3.2 Conciliation and Arbitration Act

3.2.1 Congress calls for the repeal of those provisions in the Conciliation and Arbitration Act which may be used against unions, members and officials who engage in industrial action to protect or to promote their legitimate interests.

3.2.2 The provisions which ought to be repealed include:

the de-registration provision (s. 143) so far as it allows for sanctions to be imposed as a result of industrial disputes and the provision (s. 143A) which allows the Government, by executive action, to de-register or take control of unions which take certain types of industrial action;

the bans clause procedures (ss. 33, 119) which allow penalties to be imposed on unions acting in contravention of a bans clause;

the provision which prevents the Commission from dealing with claims for payment by employees for periods during which industrial action was taken (s.25A);

the provisions which protect persons who fail to take part in industrial action (ss. 5, 188);

the provisions whereby a breach of the Act may be converted into a contempt of court and penalised accordingly (ss. 109, 111) and

the provision which makes it an offence for a union officer to advise, encourage or incite a union member, bound by an award, to refrain from, prevent or hinder such a member from -

(i) entering into a written agreement;

(ii) accepting employment; or

(iii) offering for work or working in accordance with the award with an employer who is bound by the award (s. 136).

3.2.3 Congress notes that the enforcement provisions of the Industrial Relations Bill constituted a serious attempt to adopt a more balanced approach to the enforcement issue in the current political climate. It expresses its concerns at the implications of the proposed directions and orders procedure, and utterly rejects any attempt to introduce such provision without some corresponding mitigation of the effect of ss. 45D and 45 E of the Trade Practices Act and the existing common law liabilities.

3.3 Trade Practices Act

3.3.1 Sections 45D and 45E of the Trade Practices Act prohibit a wide range of legitimate industrial action by unions, members and officials. They should be repealed at the earliest possible opportunity.

3.3.2 The Trade Practices Act is a totally unacceptable vehicle through which to attempt to regulate the legitimate industrial activities of trade unions. The Act should be used only for promoting free competition and fair trading by business enterprises.

3.3.3 The s. 45D actions that have been taken against unions clearly demonstrate that the Trade Practices Act is not merely useless in settling industrial disputes but is positively harmful. The special characteristics of industrial disputes demand that they be dealt with under industrial legislation and not by recourse to the Trade Practices Act.

3.3.4 The so-called conciliation procedures provided under the Conciliation and Arbitration Act in respect of section 45D and 45E disputes are a sham. They are intended merely to facilitate the enforcement of those sections and do not provide a genuine opportunity for the industrial relations merits of a dispute to be examined and an acceptable resolution sought. The conciliation requirements contained in the industrial relations merits of a dispute to be examined and an acceptable resolution sought. The conciliation requirements contained in the Industrial Relations Bill constituted a more rational and meaningful approach to this issue. But even they could not disguise the fact that the Trade Practices Act simply ought not apply to the industrial activities of trade unions.

3.4 Tort Liability

3.4.1 Congress condemns in the strongest terms the use of the so-called 'economic torts' in an attempt to inhibit the capacity of the Australian trade union movement to protect and to promote the legitimate industrial interests of its members.

3.4.2 Accordingly, Congress calls for the introduction of statutory protection against common law liability for industrial action.

3.4.3 This protection should extend to unions and their members and officials.

3.4.4 It should apply to all acts or omissions in contemplation or furtherance of an industrial dispute. However it should not protect wilful acts or omissions directly causing death or physical injury to a person or physical damage to property, or which constitutes a defamation.

3.4.5 Congress notes that the restrictions on access to injunctive relief contained in the Industrial Relations Bill were a step in the right direction in this context. However, they still did not provide the degree of protection which unions are entitled to expect in a democratic society.

3.4.6 If there are constitutional constraints upon the capacity of the Commonwealth Parliament to introduce a satisfactory level of protection against common law liability, Congress calls upon all State Governments to seek to provide complementary protection within their sphere of legislative competence.

3.5 Crimes Act

3.5.1 Sections 30J and 30K of the Commonwealth Crimes Act should be repealed. The continued existence of the industrial and political sections of the Crime Act constitute a threat to the freedom and independence not only of the union movement, but of the Australian people.

3.5.2 Congress welcomes the recommendations of the Hancock Committee to the effect that the right to initiate a prosecution for breach of s.30K should be limited to those who have a direct interest in the matter in hand. This would go at least some way towards mitigating the harshness of a highly offensive provision.

3.5.3 Congress notes with concern the failure of the Commonwealth Government to implement the Hancock recommendation, let alone to attempt a more far-reaching reform of these provisions.

3.6 State Laws

3.6.1 Congress condemns the introduction of anti-union legislation by State Governments. The behaviour of the Queensland Government since 1979 is particularly reprehensible in this regard.

3.6.2 Congress calls upon State Labor Governments to remove anti-strike provisions which have been inherited from former conservative Governments. Where they are unable to repeal such legislation, they should at least ensure that it is not used.

3.6.3 Congress is also concerned at the use of the general criminal law against union officials and members in respect of the discharge of their responsibilities as such.

3.6.4 The union movement will not stand idly by when union officials and members are deprived of their basic civil liberties because they are performing their union duties.

3.6.5 Congress further states that proposals for the introduction of so-called 'Right to Work' legislation or dishonest and deceitful and have been so titled in order to give such legislation a credibility which it otherwise would not have. Congress believes such legislation is a denial of civil liberties and the right of workers freely to organise for their common good, and determines that it will resist the introduction of such legislation.

4. GOVERNMENT INTERVENTION

4.1 The Government, through the Minister for Industrial Relations (or anyone else) should not be able to initiate enforcement proceedings against unions, members or officials.

4.2 At present, as a result of amendments to the Conciliation and Arbitration Act made by Liberal-National Party Governments, the Minister may apply for the cancellation of the registration of a union (s. 143), and for an order from the Federal Court enjoining a union or person from committing or continuing a contravention of the Act or the Regulations (s. 109). These powers must be removed.

4.3 The Union Movement condemns the extension of the Minister's powers (including the power ot apply for the review of decisions by, or the reference of matters to, a Full Bench of the Commission) in cases in which those powers are used against unions for political purposes and without regard to the industrial relations consequences.

5. TRADE UNIONS

5.1 General

5.1.1 Unions should be free to regulate their own internal affairs. Unions members should be free to determine the structure of union government which is best suited to their needs and to the needs of the organisation that represents their interests.

5.1.2 The increasing degree of government and judicial interference in the internal affairs of unions seriously impedes the effective, efficient and democratic operation of unions in the interests of their members.

5.1.3 Successive governments have passed, or proposed, legislation that substantially removes the right of union members to decide upon how the affairs of their unions are to be conducted and that considerably impairs the efficient and democratic operation of unions.

5.1.4 This legislation and decisions of the courts with respect to the internal affairs of unions have created a large degree of uncertainty as to the requirements o the law and have involved unions in protracted and expensive litigation. This situation is further exacerbated by court decisions which are inconsistent with each other, and with the stated objects of the Conciliation and Arbitration Act.

5.1.5 Many of the provisions relating to organisations which were contained in the Industrial Relations Bill constituted a step in the right direction in this context. However they were still based upon an unacceptable degree of external interference in the internal affairs of registered organisations.

5.2 Membership

5.2.1 Membership of unions should be encouraged by provisions in awards and agreements for preference to unionists in all matters relating to employment. Such matters include:

offers of employment;

promotion;

preferred dates, where applicable, for long service leave, leave without pay and annual leave;

preferred date and position for return from leave without pay;

retention and redeployment in redundancy or retrenchment situations, and

training and retraining opportunities.

5.2.2 Union members, delegates and officers should be protected against victimisation on account of their union activity. Special provision should be made for the protection of union delegates and shop stewards in accordance with the ACTU Charter on Shop Stewards. The present provision in the Act (s.5) should be amended to ensure that protection against victimisation is meaningful and applies to all employers. It should also be amended so as to protect persons who are denied access to employment because of union membership or activity.

5.2.3 The defence of Shield of the Crown should not be available in respect of public sector employers involved in s.5 matters.

5.2.4 Congress condemns attempts by the so-called 'New Right' to undermine the organisational security of the trade union movement through the use of State anti-discrimination legislation, and through ill-informed attacks on the alleged evils of the 'closed shop'. It also condemns the proposal for a constitutional referendum on the right not to belong to a trade union as a political gimmick which is entirely lacking in substance.

5.2.5 Existing provision relating to conscientious objection to union membership should be repealed and replaced.

5.2.6 Existing provision (s.143A) is defective in that"

the grounds of conscientious objection are too wide, and

relevant unions are not properly involved and do not have the right to appeal from the Registrar's decision to issue a certificate.

5.2.7 Section 143A should be replaced with a provision which enables persons whose genuine religious beliefs do not allow them to become union members to apply to the relevant union for an exemption from the operation of preference provisions in awards and agreements, or from union membership. The granting of such an exemption should be conditional upon the payment of relevant union fees. An appeal to the Industrial Registrar should be available against a decision not to grant an exemption. The guidelines for dealing with appeals should be determined after consultation with the ACTU and be set out in the Act. The Union concerned should have the right to be represented in the appeal proceedings.

5.2.8 Amendments made to the Act (s. 132) by the Liberal-National Party Government in 1977 unreasonably limit the right of some groups of workers such as independent contractors to become union members. The Act should be amended to allow federal unions to enrol independent contractors as members. The 'deemed member' provision set out in clause 232 of the Industrial Relations Bill were a step in the right direction in this regard.

5.3 Elections

5.3.1 The present legislation dealing with elections constitutes an unwarranted interference with the freedom of union members to decide how the affairs of their unions are to be conducted.

5.3.2 As well as being objectionable in principle, the present legislation dealing with union elections is excessively complex and gives rise to great uncertainty and injustice. It is in need of improvement and rationalisation.

5.3.3 Section 170(2)(b) provides that a written request "by a number ascertained as prescribed of the members of the organisation or of the branch" can be made to the Industrial Registrar to conduct a Union ballot. This provision should be reviewed to ensure:

that the number of members required to petition the Industrial Registrar to conduct the ballot is realistic and appropriate. In this regard Congress declares that the requirements for only 250 members to petition for such a ballot is neither realistic nor appropriate. It should be deleted;

that only bona fide applications should be considered,

and

that only financial members of the organisation should be able to make an application.

5.4 Union Officers

5.4.1 There is a need for union officers to maintain a high standard of personal and financial integrity in all their affairs and especially in the performance of their union duties.

5.4.2 At the same time, the democratic basis of union organisation in Australia requires that union members should have the ultimate say in the management of the affairs of their union, and in the election of their industrial representatives. The provisions introduced by the Liberal-National Party Government to disqualify certain persons from seeking or holding union office (sections 132B-132J) run counter to this principle.

5.4.3 Even on their own terms, they are much too wide. They go much further than the proposals set out in the Winneke Report. They are also wider than equivalent provision in companies legislation.

5.4.4 They are also objectionable because the range of offences which may lead to disqualification includes offences under the Conciliation and Arbitration Act (for which other penalties are already prescribed) and offences not in any way related to union duties or activities.

5.4.5 Congress notes with concern the fact that these provisions were reproduced in their entirety in the Industrial Relations Bill. It calls upon the Government to ensure that they are repealed at the earliest opportunity.

5.5 Union Rules

5.5.1 Union members, through democratic processes, should have the right to determine rules for the effective, efficient and democratic operation of their organisations. The present legislation falls far short of recognising this right and is therefore in need of reform.

5.5.2 In particular there is a need:

for legislation to allow the valid and continued operation of unions in accordance with rules freely determined by union members through democratic processes;

for the removal or limitation of the power of the courts to strike down union rules so that union will not be required to conduct their affairs in circumstances of uncertainty created by the existence of the power and by the decisions of the courts;

for the expansion of the role of the Industrial Registrar in advising on matters relating to rules so that unions will have access to information and independent advice which will allow them, where necessary, to improve and up-date their rules, and for the Industrial Registrar to be given power, subject to notification to the union rule-making authority and appropriate safeguards and consents, to make minor textual amendments of rules filed for certification in order to remove grammatical and clerical errors and to provide for conformity with the Act.

5.5.3 The Industrial Relations Bill did envisage some minor improvements to the provisions of the Act relating to rules. However Congress is of the view that it did not adequately address the issues of principle embodied in ACTU policy.

5.6 Union Coverage

5.6.1 It is essential that duly authorised undertakings given by unions in relation to changes to their constitution or coverage rules be honoured.

5.6.2 The Act should be amended to require the Commission to recognise undertakings given by unions and properly recorded in transcript. Until such amendments are made, the ACTU should maintain a register of such undertakings for the purpose of ensuring that duly authorised undertakings between affiliated unions are honoured.

5.6.3 Clause 148(4) of the Industrial Relations Bill constituted an acceptable approach to this issue. Congress is less happy at the proposed power to enable the Commission to alter the rules of organisations in the context of demarcation dispute (cl. 148(6) - (8)). 5.7. Amalgamation

5.7.1 There should be no restrictions on the right of unions to amalgamate in accordance with the requirements laid down in their rules.

5.7.2 Legislation should provide for the automatic registration of an amalgamated body where:

in a ballot in each union proposing amalgamation and which is open to all members eligible under the rules to vote, a majority of those voting in favour of the amalgamation, and

at the time of registration, the rules of the amalgamated body do not provide for wider constitutional coverage than the registered rules of the amalgamating unions.

5.7.3 It follows that where an amalgamation does not involve any extension of the eligibility rules of the amalgamating unions there should be no right for any other organisation or party to object to the proposed amalgamation.

5.7.4 Where an amalgamation has been affected in accordance with these principles, members of the amalgamating unions shall be members of the amalgamated body.

5.7.5 Where unions registered under the Conciliation and Arbitration Act have in the past effected amalgamation with other registered unions, such amalgamations shall, after a reasonable period, be deemed to be valid for all purposes and to provide full and effective membership of the amalgamated body.

5.8 Compulsory Secret Ballots in Respect of Industrial Action

5.8.1 Unions have a definite responsibility to ensure that the members involved are adequately consulted before becoming committed to industrial action. However, the power of the Conciliation and Arbitration Commission to order secret ballots in respect of industrial disputes or industrial action is in violation of the right of unions to regulate their own affairs. This power of the Commission should be withdrawn.

5.8.2 Further, the power given to the Commission to order a secret ballot at a particular workplace, on application by a few as four employees at the workplace, is unnecessary and undesirable. The democratic procedures and practices adopted by unions for determining the attitude of members with respect to industrial campaigns are adequate.

5.8.3 Congress notes with concern the fact that the existing ballot provisions of the Conciliation and Arbitration Act were reproduced in their entirety in the Industrial Relations Bill.

5.9. Financial Accounting

5.9.1 The Union Movement rejects the amendments to the Conciliation and Arbitration Act and Regulations emanating from the Sweeney Report on Alleged Payments to Maritime Unions as being based on an inadequate knowledge and Understanding of union accounting procedures and as representing an unwarranted bureaucratic intrusion into the internal affairs of unions. There should be a complete review of the financial accounting provisions in the Act to remove the unnecessary and costly requirements imposed upon unions by the Liberal-National Party Government.

5.9.2 Congress calls for the repeal of the approval and notification procedures in relation to loans, grants and donations by unions. These provisions are unnecessary, impose upon unions requirements which go far beyond what is contained in companies legislation or what was recommended in the Winneke Report, and impede the effective operation of unions in the interest of their members.

5.9.3 Congress expresses its concern at the fact that the Industrial Relations Bill made virtually no attempt to come to terms with these issues, but welcomes the Government's undertaking that these provisions will be reviewed in the near future.

6. STATE INDUSTRIAL LEGISLATION

6.1 Congress endorses the continuing role of the various State industrial systems.

6.2 It also endorses the proposals for greater co-ordination between the Federal and State systems which were set out in the Hancock Report. It expresses its condemnation of the fact that the States were not prepared to agree to the implementation of these recommendations in the Industrial Relations Bill.

6.3 Congress condemns in the strongest terms attempts by the Queensland Government to undermine the industrial relations system in that State through the recognition of spurious 'research and development' projects, and the introduction of extensive 'voluntary' opting out procedures.