

**INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE
TRIBUNALS IN NSW**

Organisation: The Australian Workers' Union

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The Australian Workers' Union
Newcastle, Central Coast & Northern Regions Branch

Submission to the Legislative Council – Inquiry into Opportunities to consolidate tribunals in NSW
22 November 2011

The Australian Workers' Union ('the AWU') Newcastle, Central Coast & Northern Regions Branch makes the following submissions in response to Point 2(a) and 2(b) of the *Inquiry into Opportunities to consolidate tribunals in NSW Terms of Reference*:

1. The AWU, formed in 1886, is Australia's oldest and largest blue-collar trade union.

Nationally, the AWU boasts 135,000 members and employs over 200 staff in 45 offices. The Newcastle, Central Coast & Northern Regions Branch of the AWU has over 5,000 members and ten staff in its Newcastle Office.

2. In addition to its members who fall under the federal industrial relations umbrella, this branch of the AWU still has many members who are subject to the state industrial relations framework. These members are employed by organisations including: TAFE NSW, Office of Environment & Heritage, Department of Commerce, Roads and Maritime Services, Department of Natural Resources, Department of Education and Hunter New England Area Health Service.

3. The Newcastle Industrial Relations Commission (IRC) operates from the same premises as Fair Work Australia (FWA) and both Deputy President Harrison and Commissioner Stanton are dual appointees. Both Deputy President Harrison and Commissioner Stanton are well-respected and admired by local employers and the union movement. The Newcastle IRC services a population of well over 600,000 people.

4. Despite the *Fair Work Act 2009* (Cth) referral of powers, the Branch has found a steady stream of matters concerning our members is still referred to the IRC. Only a very small proportion of these matters relates to occupational health and safety and hence will be affected by the implementation of the new national legislative framework. The Newcastle

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IRC also exercises powers under s 146B of the *Industrial Relations Act 1996* (NSW) where appropriate.

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5. The Branch is very satisfied with the timeframe for progression of matters referred to the IRC and determinations are made expeditiously. Indeed, the Newcastle IRC, in the Branch's opinion, epitomises the 'just, quick and cheap' model for civil legal process.
 6. The Branch opposes the suggestion to merge the IRC and another tribunal/s or to transfer the IRC's arbitral powers to another entity. The Branch fears the skill and expertise demonstrated by the IRC members will be diluted if they are required to devote their attention to other matters, or members who are not drawn from an employment law background are required to determine these matters. Resolution of employment disputes centres on alternative dispute resolution mechanisms and this requires a particular skillset from arbitrators/members.
 7. The Branch is also concerned that moves to merge or transfer the IRC's powers may place the continuing existence of the Newcastle IRC at risk. The advantages of having premises in Newcastle devoted to state employment issues are numerous and include: ease of access, local and industry-specific knowledge and expediency. Deputy President Harrison and Commissioner Stanton have developed very strong working relationships with the employers and unions in the greater Newcastle and Hunter Valley region and it is those relationships which allow for the speedy resolution of disputes. Any outcome which results in a centralisation of facilities in Sydney will be at the severe detriment of workers in greater New South Wales.

Richard Downie Branch Secretary

The Australian Workers' Union - Newcastle, Central Coast & Northern Regions Branch