



AMWU

FACSIMILE

DATE: 17 October 2005

TO: The General Manager,
Adjudication Branch, ACCC

FAX NO: 02 6243 1211

FROM: Doug Cameron

PAGES TO FOLLOW: 2

MESSAGE:

WORKING FOR YOU

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14 October 2005

The General Manager
Adjudication Branch
ACCC
P.O. Box 1199
DICKSON ACT 2602

Dear Mr Gregson

Re: RSCA Authorisation A90829

I write regarding your correspondence of 4 October 2005 regarding the RSCA's application to vary the above authorisation.

The AMWU previously provided a comprehensive submission regarding RSCA's initial application for Authorisation. Our submissions included 9 specific amendments, which went to protecting and assisting workers in the event they sought redress for the well documented list of abuses¹ experienced as "candidates" in the contracting and labour hire industry. One recommendation sought by the AMWU was :

"Principle 8 should be amended to specifically provide for the anonymity of candidates (workers) pursuing complaints and for candidates to be represented by an association/individual of their choosing".²

ACCC's final determination³ refused to assist workers in the manner sought by the AMWU and in doing so stated:

"It is unnecessary to provide for the anonymity of candidates (workers pursuing complaints and for candidates to be represented by an association/individual of their choosing. There is already a requirement under National Privacy Principle 8 and more particularly clause 4.3(c)(ii) of the procedure specifically provides for the making of directions to preserve the anonymity of any natural person. Clause 4.3(c)(i) of the procedure makes specific reference to the making of directions for the representation of any party."

¹ See AMWU Submission to House of Representatives Employment, Workplace Relations and Workforce Participation Committee Inquiry into Independent Contracting and Labour Hire Arrangements, March 2005

² Final Determination A90829, 24 September 2003, p.17

³ Ibid, p.18

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The RSCA is now proposing to amend its Dispute Resolution Procedure by, amongst other things including a new subparagraph at 4.5 in the following terms:

"(xii) the general intent should be that matters should be heard without third party representation where possible and the parties involved participate directly with the Committee"⁴.

The paragraph proposed diminishes the right to representation and dismisses the precarious position of contract workers with the labour hire supply chain.

Authorising this proposed amendment would confirm that the ACCC and the RSCA's Code of Conduct ignores labour hire workers' reality.

Yours sincerely,



DOUG CAMERON
NATIONAL SECRETARY

⁴ RSCA, Disciplinary & Dispute Resolution Procedure, Version 2, 8 April 2005, p.13