

Wilson, Jennifer

Subject: FW: Offshore Alliance Draft Submissions - MyLeave Review - MUA/AWU

From: Will Tracey <Will.Tracey@mua.org.au>

Sent: Thursday, 27 July 2023 11:16 AM

To: AU-FM MyLeave Legislative Review <au-fmmyleavereview@kpmg.com.au>

Subject: [EXTERNAL] RE: Offshore Alliance Draft Submissions - MyLeave Review - MUA/AWU

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Jennifer

I some further comments to make in relation to the Review around the issue of the application of the scheme to the shipbuilding industry. It has been raised in recent meetings with ship building employers and was agreement about exploring the possibility of expanding MyLeave into shipbuilding through this review process. A Board member of MyLeave was present at the meeting.

Please see relevant MUA comments on this topic below:

The Maritime Union of Australia welcomes the opportunity to provide feedback to MyLeave regarding the proposed amendment to the *Construction Industry Portable Paid Long Service Leave Act 1985 (Act)* and how this will impact the Maritime Union of Australia and it's members who work in the Western Australian shipbuilding industry.

This submission has been prepared by the Maritime Union of Australia (which is a Division of the Construction, Forestry, Maritime, Mining and Energy Union) (**MUA**).

The MUA is a key union in the shipbuilding industry in Western Australia. The MUA organises and represents the industrial interests of workers engaged in Western Australia's shipbuilding industry and its members are engaged in all classifications in all parts of the shipbuilding industry.

The MUA currently has over 250 members engaged in the industry in Western Australia.

The Proposed Amendment

The MUA believes that any review of the coverage of the Act should also contain workers which work in the construction of ships and therefore within the shipbuilding industry.

The location of the work performed does not change the fundamental point that construction work building ships is indeed still construction work and the workers performing this work are subject to the same industry circumstances as construction workers who perform construction work onshore or on fixed platforms, currently covered by the Act. The reality of all construction work is that due to nature of the industry, it is very unlikely that a construction worker will remain engaged by the same employer for ten consecutive years. Without a scheme for portable paid long service leave, these workers are unlikely to become entitled to paid long service leave in their working lives.

Until the Act is amended to include construction workers in the shipbuilding industry, this will be the reality for those workers, which is not an equitable application of the scheme. The Western Australian Government now has an opportunity to remedy this situation and the MUA encourages the Government to do so expeditiously.

Specific Considerations in Drafting Proposed Amendment

The MUA initially encourages the Government to genuinely consider the following in drafting the proposed amendment, and requests that the Government provide the MUA with an opportunity to comment on any proposed amendments that come from the consultation prior to them being incorporated into the Act.

In terms of the form of the amendment, the MUA firstly encourages the Government to remove part (d) of the definition of 'construction industry' at s.3 of the Act, which currently states the following:

“(d) the carrying out of any work on ships; or”

This proposed amendment is simple and will have the effect of accommodating construction workers who work in the shipbuilding industry within the scheme, which is the MUA's objective in this amendment process.

Secondly, the MUA requests that a further amendment to the Act is made to expressly include workers engaged in the construction of ships and vessels. The express inclusion of these workers will radically reduce the likelihood of litigation regarding the scheme's application to workers in the shipbuilding industry.

Finally, the MUA requests that the amendment is simple, clear, and detailed if necessary. This is especially important in terms of the scheme's coverage. For example, the Act should expressly include construction workers engaged on the building of *vessels* as well as ships.

A specific and clear amendment to the Act to expressly include construction work building ships and vessels will radically reduce the likelihood of litigation regarding the scheme's application to shipbuilding workers

As stated above, the MUA requests an opportunity to comment on any proposed amendment prior to incorporation into the Act or Regulations.

The Impact of an Amendment

The impact of an amendment that expressly incorporates construction workers in the shipbuilding industry into the paid portable long service leave scheme will have a positive impact for the shipbuilding sector and the workers in many who work between this construction industry and the broader construction industry which falls within the Act

Shipbuilding construction work in Western Australia is likely to increase in the near future as the national defence budget provides more funding in this area and meaningful amendments to the Act and Regulations will impact these workers in a positive way.

The MUA, on behalf of its members engaged in the construction of ships and vessels, welcomes amendments to the Act and Regulations to include this cohort of workers in an important scheme that greatly improves the chances of construction workers in becoming entitled to paid long service leave.

Kind Regards

Will Tracey
WA Branch Secretary

Maritime Union of Australia (MUA)

A Division of the Construction, Forestry, Maritime, Mining and Energy Union

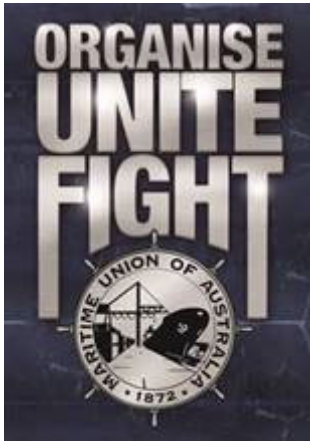
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