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The Parliament of the
Commonwealth of Australia

THE SENATE

Fair Work Bill 2008

(Government)

(1) Clause 12, page 21 (after line 26), after the definition of non-excluded matters, insert:

   non-member record or document: see subsection 482(2A).

   [right of entry: non-member records and documents]

(2) Clause 482, page 393 (line 3), after “document”, insert “(other than a non-member record or document)”.

   [right of entry: non-member records and documents]

(3) Clause 482, page 393 (after line 18), after subclause (2), insert:

   Meaning of non-member record or document

   (2A) A non-member record or document is a record or document that:

   (a) relates to the employment of a person who is not a member of the permit holder’s organisation; and

   (b) does not also substantially relate to the employment of a person who is a member of the permit holder’s organisation;

   but does not include a record or document that relates only to a person or persons who are not members of the permit holder’s organisation if the person or persons have consented in writing to the record or document being inspected or copied by the permit holder.

   [right of entry: non-member records and documents]

(4) Clause 483, page 393 (line 26), after “document”, insert “(other than a non-member record or document)”.

   [right of entry: non-member records and documents]

(5) Page 394 (after line 17), after clause 483, insert:
483AA  Application to FWA for access to non-member records

(1) The permit holder may apply to FWA for an order allowing the permit holder to do either or both of the following:
   (a) require the occupier or an affected employer to allow the permit holder to inspect, and make copies of, specified non-member records or documents (or parts of such records or documents) under paragraph 482(1)(c);
   (b) require an affected employer to produce, or provide access to, specified non-member records or documents (or parts of such records or documents) under subsection 483(1).

(2) FWA may make the order if it is satisfied that the order is necessary to investigate the suspected contravention. Before doing so, FWA must have regard to any conditions imposed on the permit holder’s entry permit.

(3) If FWA makes the order, this Subdivision has effect accordingly.

(4) An application for an order under this section:
   (a) must be in accordance with the regulations; and
   (b) must set out the reason for the application.

[right of entry: non-member records and documents]