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Daily Media Overview



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Deregister bill goes a step too far: lawyers

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In a submission to a Senate inquiry into the Ensuring Integrity Bill, the society, which represents more than 13,000 legal professionals, expressed concern about the “extremely broad” grounds for disqualifying union officials. It said the scope of the grounds for disqualification seemed to include “seemingly minor infractions” by allowing for officials to be disqualified for a civil law breach.

The society said the scope of behaviour captured by the proposed grounds for disqualification under the bill were wider than those recommended by the royal commission.

Unions have attacked a provision of the bill that allows any person with a sufficient interest to apply to the Federal Court to have a union official disqualified.

The Coalition has said employers in conflict with a union

could potentially apply for such orders and the ACTU claimed the bill would allow “disgruntled employers, lobbyists and politicians to seek to deregister unions and disqualify mostly volunteer office holders for even minor civil breaches”.

The society said the bill also shifted the onus of the proof to the union facing a deregistration application.

Under the bill, the Federal Court must cancel a registration if it finds that a ground set out in the application is established, and the organisation does not satisfy the court that it would be unjust to cancel its registration.

In a submission to the inquiry, the Victorian government said it did not support the bill as it contravened a number of International Labour Organisation conventions, including the freedom of association.

The state government also said the “sufficient interest” provision “may be open to abuse”.

“It would potentially enable a well-resourced employer or lobby group to commence protracted legal proceedings to cancel the registration of a registered organisation, motivated by union disruption rather than genuine governance issues,” it said.

