



Australian Government
**Department of Employment
and Workplace Relations**

Document 1

Our Ref MC22-038885

s 47F(1)

Dear s 47F(1)

Thank you for your letter of 31 August 2022 to the Hon Tony Burke MP, Minister for Employment and Workplace Relations, regarding multi-enterprise bargaining. The Minister has asked me to reply on his behalf, and your patience while your letter was considered is appreciated.

As you may be aware, the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (the Act) passed through the Parliament on 2 December 2022. The Act will revitalise a culture of good faith bargaining, innovation, productivity, and genuine negotiation in Australian workplace relations. The Act removes unnecessary limitations on multi-employer bargaining and ensures workers and businesses have flexible options for reaching agreements.

The Department of Employment and Workplace Relations has prepared fact sheets on the Government's multi-employer bargaining reforms and these are available on the department's website at <https://www.dewr.gov.au/secure-jobs-better-pay/bargaining-and-workplace-relations>.

I trust this information is of assistance.

Yours sincerely

s 22(1)

A/g Assistant Secretary
Bargaining and Industry Policy Branch
19 December 2022

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Australian Government
Department of Employment
and Workplace Relations

Agenda

DEWR Consultation on Workplace Relations measures

Tuesday 20 September 2022, 12.00 pm – 12.45 pm (AEST)
15 National Circuit, Barton ACT and via Videoconference

Virtual: *MS Teams* ([Link](#))

Meeting number: s 47E(d)

Password: s 47E(d)

For VIP IT support contact: s 47E(d)

Item	Title	Lead	Time Allocated
1.	Overview of Fair Work Secure Jobs, Better Pay Package	s 22(1)	5 minutes
	Discussion on Jobs and Skills Summit Outcomes		
2.	Additional Items for Discussion	s 22(1)	35 minutes
	<ul style="list-style-type: none"> • Multi-employer Bargaining 		
3.	Other Business and Closing Remarks	s 22(1)	5 minutes

Attendees

Name	Organisation
s 22(1)	Department of Employment and Workplace Relations
s 22(1)	Department of Employment and Workplace Relations
s 22(1)	Department of Employment and Workplace Relations
s 22(1)	Department of Employment and Workplace Relations
	HVAC Manufacturing and Installation Association

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Summary of Media articles

Name of Article	Date	Name of publication	Short Summary
s 22(1)			
The rogues' gallery behind Labor's flagship 'top' deal for workers	7 August 2025	Sydney Morning Herald	A number of businesses associated with the HVAC Industrial Association, the industry body representing employers in negotiations for the HVAC single-interest employer agreement, are facing claims of insolvency, and tax debts. There is no clear link drawn between the alleged conduct of the employers and any issue with the agreement.
s 22(1)			

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Last Cleared By	s 22(1)
Date Last Cleared	01 December 2025



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Evidence from HVAC on the Secure Jobs, Better Pay Bill

- [REDACTED] HVAC Manufacturing and Installation Association, appeared at the Senate Inquiry on 14 November 2022. Supported multi-employer bargaining as the way forward for the industry's future.
- It was reported in the Australian Financial Review on 18 April 2023 that negotiations for a multi-employer agreement in the HVAC sector were not progressing due to internal matters within the Australian Manufacturer's Workers Union.¹
- On 21 April 2023, [REDACTED] stated to Workplace Express that the negotiations covered 23 'tier 1' companies of 1,000 employees but had stalled since the departure of AMWU representative in March 2023.²
- Also on 21, April 2023, [REDACTED]^{s 47F(1)} [REDACTED] said to Workplace Express that negotiations were 'well underway and progressing nicely'.³

¹ See [Infighting derails union pay agreement \(streem.com.au\)](https://www.streem.com.au)

² See [Negotiations "progressing nicely" for HVAC multi-deal: AMWU \(workplaceexpress.com.au\)](https://www.workplaceexpress.com.au)

³ Article above.

Key Points

- These allegations against the member of the Heating Vacuuming and Air Conditioning Manufacturing and Installation Association (HVAC Association) multi-employer agreement, referred to in the s 22(1) article, are not relevant to the multi-employer agreement, or the process through which the agreement was made. The allegations are related to tax debts, trading while insolvent, or financial misconduct, not issues with the bargaining framework.
- The article discusses the ‘rogue gallery’ of business owners and representatives of the linked to the creation of the [AMWU On-Site Construction HVAC Workers NSW Enterprise Agreement 2023 - 2027](#).
 - The agreement was the first enterprise agreement to be approved under the Single Interest Bargaining stream and was negotiated with the Australian Manufacturing Workers’ Union (AMWU).
- The article states that there are concerns regarding the industry association and employers covered by the agreement.
 - At least six of the 12 employers party to the agreement are also accused of having either trading whilst insolvent, are defendants in a criminal proceeding, have posted questionable social media content, or owe creditors for former companies which were liquidated under their control.

Roping-in allegations

- In the article, the Plumbers Union accused the HVAC association of attempting to rope in other firms into the multi-employer deal that would have no power over the negotiations.
- There is no evidence in the article, and the Department is not aware of, any employers being added to the agreement without their consent.

Background

- The article notes that there was a split in the creation of the enterprise agreement, with s 47F(1) leaving the association to make the [Sublime Infrastructure Pty Ltd and CEPU - Plumbing Division NSW Branch Mechanical \(Sheetmetal\) Enterprise Agreement 2023-2027](#) agreement with the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU), which applies to his company (Sublime Infrastructure Pty Ltd).

s 22(1)

- s 47F(1) commented on the allegations, that multi-enterprise bargaining would ‘push smaller competitors out of the market who could not compete for employees’, and questioned the creation of the agreement in the industry.
 - s 47F(1) stated “The great fear has always been that multi-party bargaining can be used for essentially anticompetitive purposes, to drive out competition within a marketplace, which then drives up rates in the end for consumers. The flip side of the coin is that it has the potential to drive businesses to the wall. It takes away the ability of businesses to manage their individual business in the way and form that they see is the best fit for their business.”
 - s 47F(1) also said “All I can say is, we advised [the government] that this could go pear-shaped pretty quickly. We advised them at the time that it could be very easily used as an anticompetitive instrument by some businesses who had ulterior motives.”
- While the article mentions that some businesses have been trading while insolvent or have tax debts, there is no evidence that this is because those businesses are party to the multi-employer agreement. This was an employer-initiated agreement and all 13 employers covered by the agreement consented to the applications.
 - 8 employers covered by the agreement as approved in June 2024
 - A further 5 employers applying to be added to the agreement as varied in December 2024 and January 2025.