

HOWARD GOVT'S WORKPLACE RELATIONS LEGISLATION – SUMMARY as at 1/9/04

All Bills introduced during this term of Parliament have now LAPSED because Parliament was prorogued after the election was called.

TITLE	BILL SUMMARY	WHERE IT'S AT	NEXT STAGE/	ALP POSITION/ DEMS POSITION	
1	Award Simplification	Further limits matter that can be arbitrated by the AIRC: <ul style="list-style-type: none"> • Deletes skill based career paths, bonuses, LSL. • Limits allowances to those specified. • Excludes: transfers between locations or from one type of employment to another, training or education, recording of hours of work, accident make up pay, union role in dispute settlement, max and min hrs for part time work. • Reduces AIRC discretion in respect of matters incidental to awards. 	Introduced in Reps 13/11/02; Passed Reps 1/4/04; Introduced Senate 11/5/04; Senate inquiry reported 17 June 2004	Debate in Senate.	ALP – Oppose Dems – Oppose
2	Better Bargaining	Restricts the right to take protected industrial action by: <ul style="list-style-type: none"> • Making it much easier for the Commission to suspend a bargaining period. • Allowing third parties (<i>any</i> affected individual) to apply to end industrial action. • Not allowing any industrial action during a current certified agreement. • Restricting industrial action in respect of multi-employer bargaining and matters not pertaining to the employment relationship. • Introducing cooling-off periods – ie. suspension of bargaining periods. 	Introduced in Reps 6/11/03; Passed Reps 17/2/04; Introduced Senate 1/3/04; Senate inquiry reported 17 June 2004.	Debate in Senate.	ALP – Oppose Dems – Likely to oppose
3	Building and Construction Industry Improvement Bill	<ul style="list-style-type: none"> • Establishes two new regulatory bodies, the Australian Building and Construction Commissioner and the Federal Safety Commissioner. • Severely restricts legally protected industrial action, with secret ballots and other mechanisms • Limits unions' right of entry to worksites. • Imposes severe penalties for unions and officials who contravene these or related provisions. • Enhances access to damages for unlawful conduct. 	Introduced in Reps 6/11/03; Passed Reps 4/12/03; Introduced Senate 10/2/05; Senate inquiry reported 21 June 2004.	Debate in Senate	ALP – Oppose Dems – Oppose
4	Choice in Award Coverage	Small business can only be roped into awards if a union member employed; no dispute found if log has claim outside jurisdiction.	Introduced Reps 13/11/02; Passed Reps 11/2/04; Introduced Senate 1/3/04; Senate inquiry reported 17 June 2004.	Debate in Senate.	ALP – Oppose Dems – Likely to oppose

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5	Codifying Contempt Offences	Most of the Bill has passed (see below). Remaining provisions – moved by the Dems – require unions to hold secret ballots of members for delegates to decision making bodies of political parties.	Amendments introduced Senate 25/6/04 and referred to Senate Committee inquiry.	Senate inquiry was due to report on ALP affiliation parts on 30 November 2004.	ALP – Oppose Dems – Support. May amend.
6	Fair Dismissal 2004	Exempts small businesses (fewer than 20 employees) from unfair dismissal laws. Already a double dissolution trigger.	Introduced Reps 3/6/04; Passed Reps 12/8/04; Introduced Senate 30/8/04	Debate in Senate.	ALP Oppose Dems - Oppose
7	OHS (Cth Employment) Amend't (Promoting Safer Workplaces)	Excludes Commonwealth employers and employees (incl. govt business enterprises such as Telstra) from the application of ACT industrial manslaughter laws and any other similar industrial manslaughter law enacted by a State or Territory in the future.	Introduced Reps 1/4/04	Debate in Reps.	ALP – Oppose Dems – Likely to oppose
9	Protecting Small Business Employment	<ul style="list-style-type: none"> • Overrides recent AIRC Test Case, which extended redundancy pay to small businesses. • Would also override State flow-on of this decision in respect of corporations. 	Introduced Reps 26/5/04; Passed Reps 25/6/04; Introduced Senate 3 August 2004	Refer to Senate inquiry.	ALP – Oppose Dems – Likely to oppose
10	Simplifying Agreement Making	<ul style="list-style-type: none"> • AWAs take effect when signed, not when approved. • Certified agreements can be varied without union agreement. GOVT HOUSE AMENDMENTS: <ul style="list-style-type: none"> • Increase max time for certified agreements to 5 years. 	Introduced Reps 26/6/02. Passed Reps 12/2/04; Introduced Senate 1/3/04; Senate inquiry reported 17 June 2004.	Debate in Senate.	ALP – Oppose Dems – Intended to pass some provisions about collective agreements.

BILLS PASSED

- *Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002*: **commenced 12 May 2003**
- *Workplace Relations Amendment (Genuine Bargaining) Act 2002*: **commenced 7 February 2003**
- *Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No 2]*: **commenced 11 May 2003**
- *Workplace Relations Amendment (Protection for Emergency Volunteers) Act 2003*: **commenced 15/7/03**: Introduced following ALP Private Members Bill and campaign on federal employment protection for emergency services volunteers. Support and move amendments to extend protections through federal awards.
- *Workplace Relations Amendment (Fair Termination) Act 2003*: Inserts into the Act provisions currently under regulation so that regular and systemic casual employees employed for less than 12 months are excluded from protection under unfair dismissal laws. Labor moved amendments to change maximum exclusion period to 6 months, with provision for less if contained in an award or certified agreement. DEMS: 12 months supported, with addition that calculate together separate periods of service, & unlawful termination remedies available straight away (no exclusion period). **commenced 27 November 2003**
- *Workplace Relations Amendment (Improved Protection for Victorian Workers) Act 2003*: Clarifies annual and sick leave entitlements for Victorian workers not otherwise covered by a federal award or agreement. Provides new statutory entitlement to be paid for overtime, carer's and bereavement leave. Allows federal awards to be common rule in Victoria. Passed 5 December 2003, **commenced 1 January 2004**.

BILLS PASSED (cont...)

- *Workplace Relations Amendment (Improved Remedies for Unprotected Action) Act 2004*: Final Act as amended by Senate only provides specific power to AIRC to make interim section 127 orders. Passed 3 March 2004. **commenced 11 March 2004**
- *Workplace Relations Amendment (Transmission of Business) Act 2004*: Final Act as amended by Senate allows employers to apply to exempt agreements from operation on sale or likely sale of business, subject to determination of AIRC of majority agreement of employees, no disadvantage to actual conditions of employment. Passed 2 March 2004. **commenced 11 March 2004**
- *Workplace Relations Amendment (Codifying Contempt Offences) Act 2004*: Breaching IRC order & giving false evidence to IRC to be new offences punishable by 12 months imprisonment. Initially defeated 3/3/04. Restored to Senate on 22/6/04 with many amendments. Final Act as amended gives new powers to the Building Industry Taskforce to require information, subject to guidelines about use of powers which can be disallowed by Senate. Also triples penalties in WRA, changes provisions for disqualification of union officials convicted of violent offences, and introduces new offence of giving false evidence to the AIRC. Passed with Democrat amendments 26 June 2004. New powers cannot take effect until guidelines tabled in Parliament. **commenced 13 July 2004**
- *OHS (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Act 2004*: Introduces civil penalties, amends criminal penalty provisions. Provisions removing union role in OHS matters were deleted in the Senate. **commenced 16 August 2004**

BILLS DEFEATED

- *Workplace Relations Amendment (Fair Dismissal) Bill*: Exempts small businesses (fewer than 20 employees) from unfair dismissal laws. Defeated.
- *Workplace Relations Amendment (Secret Ballots for Protected Action) Bill*: Defeated 24/3/03.
- *Workplace Relations Amendment (Fair Dismissal) Bill [No 2]*: As above. Defeated 25/3/03.
- *Workplace Relations Amendment (Codifying Contempt Offences) Bill*: Breaching IRC order & giving false evidence to IRC to be new offences punishable by 12 months imprisonment. Defeated 3/3/04.
- *Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill*: Union officials or employees who breach Court or IRC orders may be fined and will then be automatically ineligible to hold office for 5 years. Defeated 8/3/04.
- *Workplace Relations Amendment (Termination of Employment) Bill*: Fed legislation to prevail over established State systems. Adverse changes for small business and to unfair dismissal system. Defeated 11/8/03.
- *Workplace Relations Amendment (Termination of Employment) Bill [No 2]*: As above. Defeated 22/3/04.