

24 February 2021

Education and Employment Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: eec.sen@aph.gov.au

Dear Committee,

Education and Employment Legislation Committee: Hansard Transcript - Corrections and Questions on Notice

Please find below responses to two questions taken on notice during the hearing on 8 February.

Senator Sheldon asked: "How many of your members remain on JobKeeper at the moment – with the 28,000 shopfronts?" (Hansard, page 39)

Unfortunately, this is not data that we are able to access. Our members don't report this kind of information to their association. We surveyed members in relation to how they had been affected by COVID generally, but we did not test the proportion of them receiving JobKeeper. Moreover, as that survey was done some time ago now, it is not helpful in answering any question demanding up-to-date data.

Senator O'Neill asked: "Can you point to the part of the legislation where it says it must be 'overwhelming support'? In your evidence today, you referred to simplified additional hours and the paperwork, I am pretty sure, you indicated you thought was going to be onerous and that there were concerns from small business about documentation not only under the current structure but with this proposed change from the government. Could you clarify those two things? (Hansard, page 42)

We note that since the hearing, the Government has removed the provisions with respect to the BOOT that this question referred to. However, in relation to the original Bill, the force of our submission was that the Fair Work Commission can have regard to the views of the employees, their representatives and can take account of the circumstances surrounding the results of any ballot to approve an enterprise agreement. For example, if 90% of a workforce vote in favour of a proposed enterprise agreement, the Fair Work Commission under the Bill – as it originally stood – had the power to take this into consideration.

In response to Senator O'Neill's requests for details on the consultation with our members (Hansard, page 42), I confirm that those businesses consisted of both large and small members. And while Senator O'Neill reflected that she had "no reason to trust" the NRA's views "especially if you've only got 100 people informing your commentary here today", I offer the following observation: Responses from 100 members in a population of 7,500 represents around 1.33 per cent. The Newspoll published in The Australian newspaper on February 22, by contrast, surveyed 1504 people out of a possible voting population (according to the Australian Electoral Commission) of 17.35 million – just 0.0087 per cent. So proportionately, our data



sample is more than 150 times the size of Newpoll's, upon which the fates of Prime Ministers and Opposition Leaders rise and fall. We are comfortable that our contacts with our members give us a true understanding of their views, and the views of the wider industry.

Yours sincerely,



Dominique Lamb
Chief Executive Officer