

File: 40/35/008(10)

28 August 2000

The Secretary
Senate Employment, Workplace Relations, Small Business and
Education Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Carter,

I am pleased to forward the Submission of the National Tertiary Education Industry Union regarding the Inquiry into the following four Bills:

- Workplace Relations Amendment (Australian Workplace Agreements Procedures) Bill 2000;
- Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000;
- Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000; and
- Workplace Relations Amendment (Termination of Employment) Bill 2000

The NTEU would be available to give evidence to any hearings the Committee conducts.

Yours sincerely,

GRAHAME McCULLOCH
General Secretary

encl.



NTEU SUBMISSION

Senate Employment, Workplace Relations, Small Business and Education Committee Inquiry into the:

- **Workplace Relations Amendment (Australian Workplace Agreements Procedures) Bill 2000**
- **Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000**
- **Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000**
- **Workplace Relations Amendment (Termination of Employment) Bill 2000**

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General Comments

The NTEU welcomes the opportunity to put a submission to the Committee regarding the Workplace Relations Amendment (Australian Workplace Agreements Procedures) Bill 2000, the Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000, the Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000 and the Workplace Relations Amendment (Termination of Employment) Bill 2000 ("the Bills").

In doing so, the NTEU makes the following general points:

- That it endorses the general thrust of the position put by the Australian Council of Trade Unions (ACTU) regarding the Bills.
- That it sees the four Bills as an attempt by the government to revive its failed Workplace Relations Legislation Amendment (More Jobs Better Pay) Bill 1999.

In the context of the latter point, the NTEU draws to the Committee's attention the submission it made in relation to that Bill, a copy of which submission is attached. As to questions of general principle, the NTEU relies on Sections of that Submission, as follows:

1. Regarding the Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000, on Part 3.7 of the attached Submission.
2. Regarding the Workplace Relations Amendment (Termination of Employment) Bill 2000, on Part 4 of the 1999 Submission.

In relation to the Workplace Relations Amendment (Australian Workplace Agreements Procedures) Bill 2000, the NTEU submits that the effect of the Bill would be to make it easier for employers to enter into AWAs with employees which would disadvantage them compared to their award or to the certified agreement which would otherwise apply. It would completely undermine collective bargaining by permitting AWAs to apply inconsistent with a current certified agreement.

In relation to the Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000, the NTEU is opposed to both the Tallies and Picnic Days components. These are matters about which the Commission should retain the capacity to arbitrate.

RECOMMENDATION:

The NTEU recommends that all four Bills should be rejected by the Senate. Alternatively, the Bills should be fundamentally amended to:

- **encourage collective bargaining (including the abolition of Australian Workplace Agreements);**
- **provide an increased role for the Australian Industrial Relations Commission in preventing and settling disputes and invetting Certified Agreements;**
- **restore awards as a genuine safety net; and**
- **to ensure that Australia meets its international obligations.**