

The Senate

---

Employment, Workplace Relations  
and Education Legislation Committee

---

Provisions of the Workplace Relations  
Amendment (Termination of Employment)  
Bill 2002

March 2003

© Commonwealth of Australia

This document was produced from camera-ready copy prepared by the Senate Employment, Workplace Relations and Education Legislation Committee and printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

## Membership of the Committee

### *Members*

Senator John Tierney	LP, New South Wales	Chair
Senator George Campbell	ALP, New South Wales	Deputy Chair
Senator Guy Barnett	LP, Tasmania	
Senator Kim Carr	ALP, Victoria	
Senator David Johnston	LP, Western Australia	
Senator Natasha Stott Despoja	AD, South Australia	

### *Substitute Members*

Senator Andrew Murray	for Senator Stott Despoja – Workplace Relations
Senator John Cherry	for Senator Stott Despoja – Employment
Senator Lyn Allison	for Senator Stott Despoja – Schools and Training

### *Participating Members*

Senator the Hon Eric Abetz	Senator Alan Ferguson	Senator Brett Mason
Senator the Hon Ronald Boswell	Senator Michael Forshaw	Senator Julian McGauran
Senator Geoff Buckland	Senator Brian Harradine	Senator Shayne Murphy
Senator Grant Chapman	Senator Len Harris	Senator Kerry Nettle
Senator John Cherry	Senator Steve Hutchins	Senator Marise Payne
Senator Jacinta Collins	Senator Sue Knowles	Senator Santo Santoro
Senator the Hon Helen Coonan	Senator Meg Lees	Senator the Hon Nick Sherry
Senator Trish Crossin	Senator Ross Lightfoot	Senator Ursula Stephens
Senator Alan Eggleston	Senator Joe Ludwig	Senator John Watson
Senator Chris Evans	Senator Gavin Marshall	Senator Ruth Webber
Senator the Hon John Faulkner		

### *Secretariat*

Mr John Carter, Secretary  
 Ms Margaret Blood, Principal Research Officer  
 Ms Ruth Clark, Executive Assistant

Senate Employment, Workplace Relations and Education  
 Legislation Committee Secretariat  
 The Senate  
 Parliament House  
 Canberra ACT 2600  
 Phone: 02 6277 3520  
 Fax: 02 6277 5706  
 E-mail: [eet.sen@aph.gov.au](mailto:eet.sen@aph.gov.au)  
 Internet: [www.aph.gov.au/senate\\_employment](http://www.aph.gov.au/senate_employment)



# Table of Contents

<b>MEMBERSHIP OF THE COMMITTEE .....</b>	<b>iii</b>
<b>MAJORITY REPORT.....</b>	<b>1</b>
The inquiry process .....	1
Unfair dismissal claims – a continuing vexation .....	2
Supporting small business employment.....	3
Toward a unitary industrial relations system .....	9
<b>LABOR SENATORS’ REPORT .....</b>	<b>15</b>
Unfair dismissal revisited.....	15
Use of the corporations power .....	20
Conclusion.....	24
<b>AUSTRALIAN DEMOCRATS’ REPORT .....</b>	<b>25</b>
<b>APPENDIX 1 .....</b>	<b>35</b>
<b>LIST OF SUBMISSIONS.....</b>	<b>35</b>
<b>APPENDIX 2 .....</b>	<b>37</b>
<b>HEARINGS AND WITNESSES.....</b>	<b>37</b>
<b>APPENDIX 3 .....</b>	<b>39</b>
<b>ADDITIONAL INFORMATION .....</b>	<b>39</b>
<b>APPENDIX 4 .....</b>	<b>41</b>
<b>SUMMARY OF ATTITUDINAL EVIDENCE.....</b>	<b>41</b>

