

The Senate

Employment, Workplace Relations
and Education Legislation Committee

Provisions of the Workplace Relations
Amendment (Right of Entry) Bill 2004

March 2005

© Commonwealth of Australia

ISBN 0 642 71494 0

This document was produced 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 Gavin Marshall	ALP, Victoria	Deputy Chair
Senator David Johnston	LP, Western Australia	
Senator Guy Barnett	LP, Tasmania	
Senator Penny Wong	ALP, South Australia	
Senator Natasha Stott Despoja	AD, South Australia	

Substitute Members

Senator Trish Crossin ALP, Northern Territory	for Senator Penny Wong
Senator Andrew Murray AD, Western Australia	for Senator Natasha Stott Despoja

Secretariat

Senate Employment, Workplace Relations and Education
Legislation Committee Secretariat
Suite SG. 52
The Senate
Parliament House
Canberra ACT 2600
Phone: 02 6277 3520
Fax: 02 6277 5706
E-mail: eet.sen@aph.gov.au
Internet: www.aph.gov.au/senate_employment

Table of Contents

Membership of the Committee	iii
Majority report	1
Background to right of entry legislation.....	1
The state of current law	2
Extension of the Commonwealth right of entry regime	4
Room for improvement	6
Concluding comment.....	7
Opposition Senators' report.....	9
Right of Entry Bill lacks a clear and coherent policy framework.....	9
DEWR and employer groups are out of touch with the modern workplace	12
Right of Entry Bill contravenes Australia's International obligations.....	14
A single statutory scheme for right of entry is not required.....	15
Why the Right of Entry Bill should be rejected	17
Concluding comments	20
Australian Democrats' report.....	23
The case for change to right of entry.....	23
Overriding state right of entry jurisdictions	27
Agreement making	28
Fit and proper test.....	29
Written notice and evidence	29
Access to certain employees.....	31
Not examine non-union employee records.....	31
Location of interviews	32
6 month recruitment	34
Suspending permits	34

Commission powers	34
Conclusion and recommendation	35
Appendix 1	37
List of submissions.....	37
Appendix 2	39
Hearings and witnesses	39
Appendix 3	41
Additional Information	41