

## Appendix 5

### Amendments to the Workplace Relations Act<sup>1</sup>

#### An historical synopsis of the legislation compiled by the Parliamentary Research Service

The *Workplace Relations and Other Legislation Amendment Act 1996* is the principal legislation which amended and renamed the *Industrial Relations Act 1988* as the *Workplace Relations Act 1996* (WR Act) amended other legislation and contained transitional provisions, for example, reducing award matters in pre-existing federal awards so as to comply with allowable award matters under the WR Act. Having passed the Senate, the bill was returned to the House of Representatives where it was passed (read for a third time on 21 November 1996) and included amendments made in agreement with the Australian Democrats. Its provisions (schedules) commenced from December 1996 to May 1997. (Senate Economics Committee report)

*Workplace Relations and Other Legislation Amendment Act (No.2) 1996*: This act reflected the Commonwealth's obligations under an inter-governmental agreement (11 November 1996) between the State of Victoria and the Commonwealth to refer most of the Victorian industrial jurisdiction to the Commonwealth. The referral also hinged on legislation passed by the Victorian Parliament (the referral can be retracted). The administration of the Victorian employee relations legislation is transferred to the Commonwealth (in Schedule 1A of the WR Act). This act provides most Victorian employees access to the Commonwealth dismissal legislation while giving WR Act provisions additional effect in Victoria. For example, Australian workplace agreements and certified agreements can be entered into with non-incorporated businesses. The act came into effect on 19 December 1996.

*Workplace Relations and Other Legislation Amendment Act 1997*: This act clarified the operation of key provisions of the WR Act in respect of: the role of the Employment Advocate, its staff and their investigation powers, provided for the disamalgamation of registered organisations (such as unions and employer associations), the removal of preference clauses from agreements, the role of the Australian Industrial Relations Commission (the Commission) in selecting a 'designated' award to assess agreements against, the role of State awards and laws in relation to dismissal and the application of transmission of business provisions under the Victorian referral arrangement. The act came into effect in December 1997.

#### ***Bills not passed***

*Workplace Relations Amendment Bill 1997*: This bill was the first of the bills designed to exempt small business (small businesses then employing 15 or less employees) from legal actions contesting a dismissal which the employee perceived to be harsh, unjust or unreasonable. The Government had earlier attempted to secure this exemption by way of a regulation to the WR Act which the Senate rejected on 26 June 1997. The bill was introduced to the House of Representatives on 26 June 1997. A report on the bill was made by the Senate

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1 Compiled by the Parliamentary Research Service, Parliamentary Library, April 2005

Economics Legislation Committee on 20 October and the bill was negatived on 21 October 1997 in the Senate.

Workplace Relations Amendment Bill 1997 [No.2]: As with its predecessor, this bill sought to exempt small business from dismissal actions of employees. It was introduced in the House of Representatives on 26 November 1997. The bill was introduced into the Senate on 5 March 1998 but failed to pass the Senate on 25 March 1998. The bill thus became a 'trigger' for a double dissolution of both houses of Parliament. Where there is disagreement between the Senate and the House of Representatives, section 57 of the Constitution allows for the resolution of the disagreement by the dissolution of both houses by the Governor-General (presumably acting on advice from the Prime Minister) and the calling of an election.<sup>(1)</sup> A specified period between the bill failing the first time in the Senate and its reintroduction in the House is required (three months), where the bill fails to pass a second time, a double dissolution may (or may not) ensue.

Workplace Relations and Other Legislation Amendment (Superannuation) Bill 1998: This Bill was introduced into the House of Representatives on 4 December 1997 and was passed on 23 June 1998. It sought to remove superannuation as an allowable matter in federal awards. Provisions of the Bill were referred to the Select Committee on Superannuation which made a report on 26 May 1998. The bill lapsed at the end of the 38<sup>th</sup> Parliament.

### ***Bills passed as Acts***

Workplace Relations Legislation Amendment (Youth Employment) Act 1999: This amendment exempts junior rates of pay from the operation of the WR Act's anti-discrimination provisions and promotes the inclusion of junior rates of pay in awards and agreements. Agreement to pass the Act followed an extensive research report on junior pay rates for the Parliament prepared by the Commission. The bill was introduced into the House of Representatives on 24 June 1999 and passed the Senate on 2 September 1999.

Workplace Relations Amendment (Tallies) Act 2001: This act was introduced to the House of Representatives as the Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000 on 29 June 2000. Similar (but more extensive) award matter reduction provisions were included in the Workplace Relations Amendment (More Jobs Better Pay) Bill 1999. The act removed tally systems as allowable award matters for the purposes of federal awards. It passed the Senate on 5 March 2001 and the House of Representatives on 7 March, without reference to union picnic days. It was referred to the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee which made a report on 7 September 2000.

Workplace Relations Amendment (Termination of Employment) Act 2001: The bill was introduced to House of Representatives on 27 June 2000 as the Workplace Relations Amendment (Termination of Employment) Bill 2000. The act amends the WR Act's termination of employment provisions, contains provisions which discourage speculative or unmeritorious dismissal claims and inserted a 3-month qualifying period before new 'permanent' employees could access the dismissal provisions. The bill passed the Senate on 8 August 2001. The bill was reviewed by the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee (report, 7 September 2000). The House of Representatives agreed to amendments proposed by the Senate on 9 August 2001.

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### ***Bills not passed***

Workplace Relations Legislation Amendment (Youth Employment) Bill 1998: This bill sought to exempt junior rates of pay from the operation of the WR Act's anti-discrimination provisions and promote the inclusion of junior rates of pay in awards and agreements. It was introduced to the House of Representatives on 26 November 1998 and to the Senate on 15 February 1999, and was negated there on 8 March 1999.

Workplace Relations Amendment (Unfair Dismissals) Bill 1998: The bill sought to insert a 6-month qualifying period of employment before new 'permanent' employees (other than apprentices and trainees) could access the unfair dismissal remedy; and to exclude new employees of small businesses (15 or less employees) from the unfair dismissal remedy. The bill was introduced into the House of Representatives on 12 November 1998 and introduced into the Senate on 3 December 1998. The bill was referred to the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee which made a report on 15 February 1999. The bill was negated on 14 August 2000.

Workplace Relations Amendment (Unfair Dismissals) Bill 1998 [No.2]: As with its predecessor, this bill sought to insert a 6-month qualifying period of employment before new 'permanent' employees (other than apprentices and trainees) could access the unfair dismissal remedy and to exclude new employees of small businesses (15 or less employees) from the unfair dismissal remedy. This bill was introduced to the House of Representatives on 29 November 2000 and into the Senate on 7 March 2001 where it was negated on 26 March 2001. This bill became a double dissolution trigger (discussed above).

Workplace Relations and Other Legislation Amendment (Superannuation) Bill 1998: As with its predecessor the bill proposed to remove superannuation as an allowable award matter for the purposes of federal awards and preclude the Commission from making an "exceptional matters order" about superannuation. It was introduced to the House of Representatives on 3 December 1998, and it passed on 17 February 1999 but was adjourned in the Senate on 8 March 1999. It lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill 1999: The bill proposed to change the name of the Commission to the Australian Workplace Relations Commission; change the AWRC's structure; extend conciliation by the Commission; introduce voluntary use of mediation in industrial disputes; reduce the role of industrial awards; introduce procedural changes to the termination of employment provisions and unfair dismissal applications; reform the certification of agreements and the making and approval of Australian Workplace Agreements (AWAs); clarify rights and responsibilities relating to industrial action; reduce allowable award matters; restrict union right of entry provisions; review the freedom of association provisions; provide for expanded operation of WR Act provisions in Victoria and reform the Federal Court's role concerning contracts made with independent contractors. The Bill was introduced into the House of Representatives on 30 June 1999, and into the Senate on 14 October 1999. The Senate Employment, Workplace Relations, Small Business and Education Legislation Committee made a report on the bill on 29 November 1999. The bill lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations Amendment Bill 2000: The bill sought to define "pattern bargaining" and provide for defined consequences where it occurs; enhance the Commission's power to issue orders that unlawful industrial action cease or not occur; provide access to cooling-off periods in relation to protected industrial action; protect rights to pursue common law remedies in response to unlawful industrial action in Supreme Courts without additional litigation (anti-suit injunctions) being sought from or issued by the Federal Court. The bill

was introduced into the House of Representatives on 11 May 2000. Similar provisions can be found in the WRA 'More Jobs Better Pay' Bill 1999. The Senate Employment, Workplace Relations, Small Business and Education Legislation Committee made a report on the bill on 7 September 2000. The bill lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000: The bill required that, in order to be protected action under the act, industrial action must be preceded by a secret ballot process overseen by the Commission. The bill was introduced to House of Representatives on 26 June 2000. Similar provisions can be found in the 'More Jobs Better Pay' Bill 1999. The Senate Employment, Workplace Relations, Small Business and Education Legislation Committee made a report on the Bill on 7 September 2000. Senate debate on the Bill was adjourned on 31 August 2000. The bill lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations Amendment (Australian Workplace Agreements Procedures) Bill 2000: The bill sought to simplify procedures and approval processes in relation to Australian Workplace Agreements. Similar provisions were contained in the WRA 'More Jobs Better Pay' Bill 1999. The bill was introduced to the House of Representatives on 28 June 2000. The Senate Employment, Workplace Relations, Small Business and Education Legislation Committee made a report on the Bill on 7 September 2000. Senate debate on the bill was adjourned on 9 October 2000. The bill lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2001: The bill sought to prevent the inclusion of clauses in certified agreements which require the payment of fees for the provision of bargaining services and prohibit action by unions to collect such fees which have not been agreed to in writing in advance. The bill was introduced into the House of Representatives on 23 May 2001. Debate on the bill was adjourned in the Senate on 6 August 2001, but a report on the bill by the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee was made on 19 September 2001. The bill lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations Amendment (Transmission of Business) Bill 2001: The bill sought to empower the Commission to make an order that a certified agreement does not bind a new employer as a result of a transfer of a business, or only binds the new employer to a specified extent. The bill was introduced into the House of Representatives on 4 April 2001. It was referred to the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee which made a report on 18 June 2001. The bill lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations (Minimum Entitlements for Victorian Workers) Bill 2001: The bill provided minimal improvements to minimum entitlements for employees in Victoria not covered by federal awards or agreements, that is those workers employed under 'Schedule 1A' conditions (discussed above). The bill was introduced into the House of Representatives on 9 August 2001. It lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations and Other Legislation Amendment (Small Business and Other Measures) Bill 2001: The bill sought to ensure that the workplace relations system would take into account the circumstances of employers and employees in small business; that new employees in businesses of less than 20 employees (instead of 15 or less previously<sup>(2)</sup>) could not bring an unfair dismissal claim; it proposed to reform the role and rights of unions in small business matters and amend the *Trade Practices Act 1974* to allow the Australian Consumer and Competition Commission to bring representative actions in relation to secondary boycotts. It was introduced into the House of Representatives on 30 August 2001

The bill was referred to the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee (which did not report). The bill lapsed at the end of the 39<sup>th</sup> Parliament.

Workplace Relations (Registered Organisations) Bill 2001: The bill was to incorporate into a separate piece of legislation provisions of the WR Act which relate to the registration, amalgamation and internal administration and regulation of registered organisations (employer associations and trade unions). The bill also proposed to amend those provisions, particularly in relation to financial accountability and disclosure and democratic control and penalties for breaches of the proposed act. It was introduced into the House of Representatives on 4 April 2001 and the Senate on 30 August 2001. The bill was referred to the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee which made a report on 18 June 2001. It lapsed at the end of the 39<sup>th</sup> Parliament. The provisions of the bill were reintroduced in 2002 as a schedule to the WR Act (see below: Acts of 40<sup>th</sup> Parliament)

Workplace Relations (Registered Organisations) (Consequential Provisions) Bill 2001: The bill proposed to preserve the registration of registered organisations when the existing registration provisions of the WR Act were repealed. It contained transitional and savings provisions for the transition to the proposed *Workplace Relations (Registered Organisations) Act 2001*. It was introduced into the House of Representatives on 23 May 2001, and the Senate on 27 August 2001 where debate was adjourned on 30 August 2001. The bill lapsed at the end of the 39<sup>th</sup> Parliament (Senate report as per above).

### ***Bills passed as Acts***

Workplace Relations Legislation Amendment Act 2002: The act amended the: *Safety, Rehabilitation and Compensation Act 1988*, the *Seafarers Rehabilitation and Compensation Act 1992* and *Seafarers Rehabilitation and Compensation Levy Collection Act 1992* and effected the transfer of operational responsibility for the Seafarers Safety, Rehabilitation and Compensation Authority from the Department of Employment and Workplace Relations to Comcare. It made a number of amendments to WR Act concerning certified agreements. It made minor and technical amendments, including removing the requirement for ministerial approval of contracts over \$500 000 and delegation of rehabilitation powers and functions by the Chief of the Defence Force; amended the National Labour Consultative Council Act 1977 to rename the Council as the National Workplace Relations Consultative Council. It was introduced to the House of Representatives on 26 June 2002 and passed the Senate on 5 December 2002.

Workplace Relations Amendment (Genuine Bargaining) Act 2002: The act specifies factors to be taken into account by the Commission when considering whether a negotiating party is not genuinely trying to reach agreement and empowers the Commission to make orders in relation to new bargaining periods. It was introduced into the House of Representatives on 20 February 2002. The bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which made a report on 15 May 2002. The Senate passed the bill on 25 September 2002 with amendments, some of which were agreed to by House of Representatives on 16 October 2002, and others were not insisted on by the Senate (19 November 2002).

Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002: (Previous title: Workplace Relations (Registration and Accountability of Organisations) Bill 2002). The act amends the WR Act in relation to the registration, amalgamation and internal administration and regulation of registered organisations,

including election processes, duties of officers and employees of those organisations, financial accountability and disclosure, democratic control and penalties for breaches. The bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported on 18 June 2001 (report on the predecessor bill). The bill was introduced to the House of Representatives on 21 March 2002, and to the Senate on 15 October 2002 and passed 16 October 2002.

Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002: Further to the Workplace Relations Amendment (Registration and Accountability of Organisations) Bill 2002, the bill makes consequential amendments, including the repeal of certain provisions of the WR Act and contains transitional and savings provisions, notably preserving the registration of registered organisations and also amends the WR Act to: correct errors and omissions, remove obsolete references and makes consequential amendments to 20 other Acts. The act was also introduced to the House of Representatives on 21 March 2002 and passed the Senate on 16 October 2002.

Workplace Relations Amendment (Improved Protection for Victorian Workers) Act 2003: This Act was introduced as the Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002) to the House of Representatives on 21 March 2002. The act extended safety net entitlements for employees in Victoria not covered by federal awards or agreements (under Schedule 1A of the WR Act); provided access by Victorian employees to the federal award system not provided by its 2001 predecessor bill; provided minimum pay rates for Victorian contract workers in the textiles, clothing and footwear industries and annual leave entitlements for Victorian employees. It was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which made a report on 18 November 2002. It passed the House of Representatives on 26 November 2003 and the Senate on 5 December 2003.

Workplace Relations Amendment (Fair Termination) Act 2003: The act amended the WR Act's termination of employment provisions by excluding certain classes of employees, including short-term casual employees from making dismissal applications; validated the operation of regulations purporting to exclude short-term casual employees (following a Federal Court decision invalidating these regulations) from the time the regulations were made to the commencement of the new termination provisions in this bill; and provided for the payment, and indexation, of a filing fee for termination of employment applications and amended workplace relations regulations to repeal now invalidated provisions excluding certain classes of employees from termination of employment provisions. The bill was introduced into the House of Representatives on 20 February 2002, and to the Senate on 12 December 2002 with amendments. The bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which made a report on 15 May 2002. The House of Representatives agreed to certain amendments on 16 September 2003.

Workplace Relations Amendment (Protection for Emergency Management Volunteers) Act 2003: The act made it unlawful to dismiss emergency management volunteers who are temporarily absent from the workplace on voluntary emergency management duty. The bill was introduced into the House of Representatives on 6 March 2003, and passed the Senate on 26 June 2003.

Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Act 2003: The act amended the certified agreement and freedom of association provisions and nullified clauses in certified agreements that purport to require payment of bargaining services fees and prohibited conduct designed to compel persons to pay such fees. The bill was first introduced

into the House of Representatives on 20 February 2002, and to the Senate on 19 June 2002, where it was passed with amendments on 21 August 2002. A report on the predecessor bill by the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee had been made on 19 September 2001. The House disagreed with the Senate's amendments on 28 August 2002 but the Senate insisted on these on 28 August 2002. The House set the bill aside on 18 September 2002.

The bill was re-introduced into House of Representatives on 4 December 2002. It was introduced to the Senate on 3 March 2003 and it was passed on 24 March 2003. The House of Representatives accepted certain of the amendments on 25 March 2003, and the Senate did not insist on its remaining amendments on 26 March 2003.

Workplace Relations Amendment (Codifying Contempt Offences) Act 2004: The act amends the WR Act in relation to the giving of evidence to the Commission provides compliance powers (requiring requested information to be produced etc) in relation to the building industry; increases the quantum of penalties; provides additional grounds for disqualification from holding office in a registered organisation and provides 'whistleblower' protections for members, officials and employees of registered organisations. The bill was introduced into House of Representatives on 26 June 2003, and into the Senate on 20 August 2003, where it was negatived on 3 March 2004. The bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which made a report on 30 October 2003. The bill was 're-committed' to the Senate on 21 June 2004, and the amended bill was passed by both houses on 26 June 2004.

Workplace Relations Amendment (Improved Remedies for Unprotected Action) Act 2004: The act ensured that applications for orders to prevent unprotected industrial action are dealt with quickly and that, in dealing with applications, the Commission takes into account the undesirability of unprotected action. It was introduced into the House of Representatives on 26 June 2002, and into the Senate on 11 September 2003. It was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported on 30 October 2003. The Bill passed the Senate on 2 March 2004 with amendments which the House accepted on 3 March 2004.

Workplace Relations Amendment (Transmission of Business) Act 2004: The act empowered the Commission to make an order that a certified agreement does not bind a new employer as a result of a transfer of a business, or, only binds the new employer to a specified extent. The Bill was introduced to the House of Representatives on 21 March 2002, but did not pass until 25 June 2003. It was introduced to the Senate on 26 June 2003 and passed with amendments on 13 August 2003. The House of Representatives agreed to certain amendments on 2 March 2004. It's predecessor bill had been referred to the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee which made a report on 18 June 2001.

### ***Bills not passed***

Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002: The bill sought to amend the WR Act's certified agreement and freedom of association provisions and nullify clauses in certified agreements that purport to require payment of bargaining services fees and prohibited conduct designed to compel persons to pay such fees. The bill was first introduced into the House of Representatives on 20 February 2002, and to the Senate on 19 June 2002, where it was passed with amendments on 21 August 2002. A report on the predecessor bill by the Senate Employment, Workplace Relations, Small Business and

Education Legislation Committee had been made on 19 September 2001. The House disagreed with the Senate's amendments on 28 August 2002 but the Senate insisted on these on 28 August 2002. The House set the Bill aside on 18 September 2002. (The bill was reintroduced and passed).

Workplace Relations Amendment (Choice in Award Coverage) Bill 2002: The bill sought to provide all businesses with information about their rights and the processes involved with logs of claims; limit the ability of unions to involve small businesses which employ no union members into the federal jurisdiction; and require the Commission to inquire into views of unrepresented small business employers potentially affected by a log of claims. The bill was introduced into the House of Representatives on 13 November 2002. The Bill was passed as the Workplace Relations Amendment (Choice in Award Coverage) Bill 2004 on 11 February 2004. The bill was introduced and adjourned in the Senate on 1 March 2004. The Senate Employment, Workplace Relations and Education Legislation Committee reported on the bill on 17 June 2004. The bill lapsed at the end of the 40<sup>th</sup> Parliament.

Workplace Relations Amendment (Award Simplification) Bill 2002: The bill sought to limit and clarify allowable award matters and make related changes to the award making powers of the Australian Industrial Relations Commission. The bill was introduced to House of Representatives on 13 November 2002 and passed the House of Representatives on 1 April 2004. It was introduced to the Senate on 11 May 2004 and a report was made by the Senate Employment, Workplace Relations and Education Legislation Committee on the bill on 17 June 2004. The Bill lapsed at the end of the 40<sup>th</sup> Parliament.

Workplace Relations Amendment (Fair Dismissal) Bill 2002: The bill sought to exempt small businesses (less than 20 employees) from the unfair dismissal provisions (except in relation to apprentices and trainees) and require the Commission to order that an unfair dismissal application is invalid if it relates to a small business employer. The bill was introduced to the House of Representatives on 13 February 2002, and into the Senate on 11 March 2002. It was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported on 15 May 2002. The House of Representatives disagreed to amendments proposed by the Senate on 28 June 2002, and the bill was laid aside.

Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No 2]: The bill sought to exempt small businesses (less than 20 employees) from the unfair dismissal provisions (except in relation to apprentices and trainees) and require the Commission to order that an unfair dismissal application is invalid if it relates to a small business employer. It was introduced into the House of Representatives on 18 September 2002 and into the Senate on 23 October 2002. The House disagreed with Senate amendments on 5 March 2003. The Senate again insisted on its amendments. The House laid the bill aside 25 March 2003. The Bill became a double dissolution trigger.

Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002: The bill required that, in order to be protected industrial action under the act, such action must be preceded by a secret ballot process overseen by the Commission and allows protected industrial action to be taken without a secret ballot after a cooling-off period and provides for the recommencement of protected action after the end of a suspension of a bargaining period. The bill was introduced into House of Representatives on 20 February 2002, and into the Senate on 24 June 2002 where it was negatived on 25 September 2002. The bill had been reviewed by the Senate Employment, Workplace Relations and Education Legislation Committee (report of 15 May 2002).



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Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002 [No 2]: As with its predecessor, the bill sought to require that, in order to be protected industrial action under the Act, such action must be preceded by a secret ballot process overseen by the Commission and to allow protected industrial action to be taken without a secret ballot after a 'cooling-off' period and provided for the recommencement of protected action after the end of a suspension of a bargaining period. The bill was introduced into the House of Representatives on 13 November 2002, and into the Senate on 5 March 2003, where it was negatived on 24 March 2003. The bill became a double dissolution trigger.

Workplace Relations Amendment (Termination of Employment) Bill 2002: The bill sought to extend the operation of the federal unfair dismissal system to all employees of constitutional corporations and to prevent employees from accessing remedies under comparable State unfair dismissal schemes and to make other amendments to the operation of the unfair dismissal system. The bill was introduced into the House of Representatives on 13 November 2002. It was introduced into the Senate on 16 June 2003. The bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported on 26 June 2003. The bill was negatived in the Senate on 11 August 2003.

Workplace Relations Amendment (Termination of Employment) Bill 2002 [No 2]: As with its predecessor, the bill sought to extend the operation of the federal unfair dismissal system to all employees of constitutional corporations; prevent employees from accessing remedies under comparable state unfair dismissal schemes and make amendments to the operation of the unfair dismissal system. The bill was introduced on 6 November 2003 to the House of Representatives and to the Senate on 11 February 2004 where it was negatived on 22 March 2004. The bill became a double dissolution trigger.

Workplace Relations Amendment (Better Bargaining) Bill 2003: The bill proposed to restrict access to industrial action before the expiration of an agreement; provide more ready access by employers to cooling-off periods; allow third party suspensions of industrial action and limit union access to protected and unprotected industrial action. It was introduced into the House of Representatives on 6 November 2003 and into the Senate on 1 March 2004. The Bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported on 17 June 2004. The bill lapsed at the end of the 40<sup>th</sup> Parliament.

Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003: The bill sought to codify offences that amount to contempt of the Commission; create a new offence prohibit the giving of false evidence to the Commission; update certain penalties and insert legislative notes after certain provisions. The bill was introduced into House of Representatives on 26 June 2003, and into the Senate on 20 August 2003, where it was negatived on 3 March 2004. The bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which made a report on 30 October 2003.

Workplace Relations Amendment (Protecting the Low Paid) Bill 2003: The bill sought to ensure that the primary focus of the award safety net is to address the needs of the low paid. It also required the Commission to recognise this primary focus when performing its functions and exercising its powers in relation to awards. It was introduced to the House of Representatives on 13 February 2003, and to the Senate on 6 March 2003. The bill was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported on 19 June 2003. The bill lapsed at the end of the 40<sup>th</sup> Parliament.

Building and Construction Industry Improvement Bill 2003: The bill provided a workplace relations regulatory framework for the building and construction industry. It would establish the Australian Building and Construction Commission, impose limits on pattern bargaining

and strike action, and impose substantial constraints on union organising rights and activities in the industry. The bill was introduced to the House of Representatives on 6 November 2003 and to the Senate on 10 February 2004. An inquiry into the construction industry was undertaken by the Senate Employment, Workplace Relations and Education References Committee which reported on 21 June 2004. The bill lapsed at the end of the 40<sup>th</sup> Parliament.

**Building and Construction Industry Improvement (Consequential and Transitional) Bill 2003:** The bill was introduced with the Building and Construction Industry Improvement Bill 2003. The bill made consequential amendments to the WR Act and technical amendments to 8 other Acts. It also contained application, saving and transitional provisions and a regulation-making power. As with the main bill, it was introduced into the House of Representatives on 6 November 2003 and lapsed at the end of the 40<sup>th</sup> Parliament.

**Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003:** The bill required officers and employees of registered organisations to comply with orders and directions of the Commission and the Federal Court and provided sanctions for failure to comply. It was introduced to the House of Representatives on 13 February 2003, and introduced to the Senate on 14 August 2003. The bill was referred to Employment, Workplace Relations and Education Legislation Committee which reported on 30 October 2003. The bill was negatived at third reading 8 March 2004.

**Workplace Relations Amendment (Extended Prohibition of Compulsory Union Fees) Bill 2004:** The bill sought to amend the freedom of association provisions of the WR Act and to extend the federal prohibition on bargaining service fees clauses to State employment agreements to which a constitutional corporation is a party. The bill was introduced into the House of Representatives on 11 August 2004 but lapsed at the end of the 40<sup>th</sup> Parliament.

**Workplace Relations Amendment (Fair Dismissal) Bill 2004:** The bill sought to exempt small businesses from the unfair dismissal provisions (except in relation to apprentices and trainees) and require the Commission to order that an unfair dismissal application was invalid if it related to a small business employer (which had less than 20 employees). The bill was introduced to the House of Representatives on 3 June 2004, and into the Senate on 30 August 2004, where it was adjourned. The bill lapsed at the end of the 40<sup>th</sup> Parliament.

**Workplace Relations Amendment (Protecting Small Business Employment) Bill 2004:** The bill sought to restore the exemption for small business from redundancy payments by overturning part of the decision of the Commission (26 March 2004) to impose redundancy pay obligations on small businesses. The bill was introduced into House of Representatives on 26 May 2004. It was introduced into the Senate on 3 August 2004 and was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which made a report on the successor bill on 14 March 2005. The bill lapsed at the end of the 40<sup>th</sup> Parliament.

**Workplace Relations Amendment (Simplifying Agreement-making) Bill 2004:** The bill sought to simplify certified agreement-making at the workplace level; reduce the delays, formality and cost involved in having an agreement certified; prevent interference by third parties in agreement-making and provide for the extended operation of certified agreements of up to five years. It was introduced into the House of Representatives on 26 June 2002 and was passed on 12 February 2004 as the Workplace Relations Amendment (Simplifying Agreement-making) Bill 2004. The bill was introduced to the Senate on 1 March 2004 and was referred to the Senate Employment, Workplace Relations and Education Legislation Committee which reported on 17 June 2004. The bill lapsed at the end of the 40<sup>th</sup> Parliament.