

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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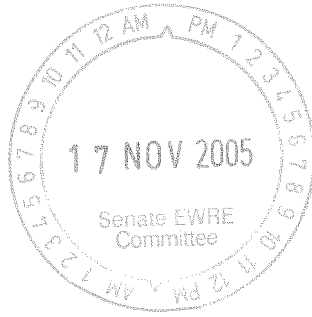
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Senate Employment,
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Supplementary Submission to the Inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005



NOVEMBER 2005

SUBMISSION

Supplementary Submission

1. In its Submission of 9 November 2005, ACCER proposed several amendments to the Australian Fair Pay Commission's wage-setting parameters in the proposed section 7J of the *Workplace Relations Amendment (Work Choices) Bill 2005* ("the Bill"). These are set out at paragraphs 43 and 44 of the Submission.
2. There is an important related matter that we wish to raise with the Committee.
3. The Bill also requires that the Australian Industrial Relations Commission ("the AIRC") adjust wages during the transitional period; see clause 8 of Schedule 13. Wage-setting functions are, therefore, given to both Commissions.
4. In order to avoid or minimise inconsistencies between the decisions of the two Commissions, ACCER proposes that clause 8(2) of Schedule 13 be amended to include the following paragraphs.
 - "the desirability of providing a fair safety net for the low paid in the context of living standards generally prevailing in the Australian community."
 - "the needs of employees and their families."
 - "relevant taxation and government transfer payments."
5. Consistent with the objective of providing fairness, we propose the insertion of "fair" immediately before "minimum safety net" in clause 8(4)(b).
6. The objects in clause 1 of the Schedule should also be amended to provide:
 - "(e) there is the provision of a fair minimum safety net of wages and other entitlements."

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7. These proposals are consistent with those set out in paragraphs 43 and 44 of ACCER's submission.
8. ACCER recognises that there are constitutional considerations (derived from the conciliation and arbitration power) that have informed the drafting of the proposed clauses (1)(2)(c) and 8(3) and (4) and which limit the Parliament's ability to direct the AIRC in the exercise of its power to arbitrate disputes. ACCER submits that the objectives in these sub-clauses are best promoted by consistent wage-setting parameters being applied to both Commissions.