



3 March 2008

Mr John Carter
Committee Secretary
Senate Education, Employment and Workplace Relations Committee
Department of the Senate
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Parliament House
Canberra ACT 2600

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Dear Mr Carter

Re: Inquiry into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008

Further to our letter of the 28 February last, the VTHC wishes to also put on the record support for the thrust of the 'Transition Bill', which is to abolish the use of AWA's. We would argue strongly that this abolition should be immediate and not drawn out.

Back in mid February, the Education Minister said that University funding would no longer be tied to universities having to offer AWA's to their employees. Legislation introduced into Parliament by Education Minister Julia Gillard on the 13 February, the Higher Education Support Amendment (Removal of Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill repealed s33.17 of the Higher Education Support Act. We support this initiative.

The original provision, required higher education providers to meet the Higher Education Workplace Relations Requirements and the National Governance Protocols in order to receive Commonwealth Grant Scheme funding for student places.

Under the HEWRRs, universities previously had to provide:

1. choice in agreement-making, including offering AWA's;
2. direct relationships with employees, with third parties involved only at the employee's request;
3. workplace flexibility tailored to the needs of the employer and employees and extending to barring employment instruments from limiting the "forms and mix of employment arrangements".

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Re: Inquiry into the Workplace Relations Amendment
(Transition to Forward with Fairness) Bill 2008

4. freedom of association, including neither discouraging or encouraging union membership, and barring using Commonwealth grants to pay salaries of union employees or to support union facilities.

The Minister told Parliament the HEWRRs required universities to implement the Howard Government's "ideologically-driven" IR agenda.

This action is consistent with doing away with AWA's because of their insidious nature.

It also underscores why the 'Transition Bill' should be more focused on doing away with AWA's immediately.

In fact it is unethical for employers to continue to push workers onto AWA's that cut their pay and conditions when a ban on the use of Work Choices AWA's is imminent.

A report today (3/3) that another major employer is under investigation for pushing workers onto AWA's that cut workers' pay by up to \$300 a week is very worrying.

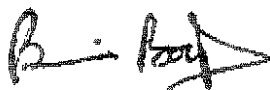
Workers at the Lobethal Meatworks in South Australia have lost redundancy provisions, their rights to collective bargaining and are being pushed into signing AWA's.

It may be technically legal for employers to continue to use WorkChoices AWA's but it is certainly not ethical, given the Federal government's legislative intentions.

Businesses all around Australia should immediately stop using AWA's and respect the right of their workers to choose a collective agreement that is negotiated by their union.

The 'Transition Bill' should be amended so that AWA's cannot be entered into once the Bill is in the Parliament. In addition all AWA's entered into since the 24th November 2007 should be null and void.

Regards



BRIAN BOYD
Secretary
Victorian Trades Hall Council