

GEN 08/27
1.3/052

13th March, 2008.

Mr. John Carter,
Secretary,
Standing Committee on Employment,
Workplace Relations and Education,
c/o Parliament House,
CANBERRA, A.C.T. 2600.

Facsimile No.: (02) 6277 5706

Dear Sir,

**RE: FEDERAL GOVERNMENT'S WORKPLACE AMENDMENT BILL
2008 OLD IR AGREEMENTS**

Further to our submissions regarding the issue of old IR agreements, we seek your assistance in pursuing this matter.

Clearly some progress has been made in that Clause 28(1) of Schedule 7 has been replaced, i.e.:

"28(1) An old IR agreement ceases to be in operation if it is terminated under Clause 28A."

Clause 28A Termination of old IR agreements states:

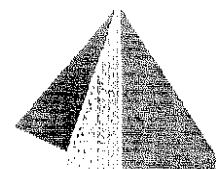
- "(1) A part to an old IR agreement may apply to the Commission for the agreement to be terminated.
- (2) The Commission may, by order, terminate the agreement if the Commission is satisfied that all parties to the termination agree to the termination."

This is fine, however, Clause 28(2) of Schedule 7 remains as follows:

"An old IR agreement has no effect in relation to an employee if a workplace agreement or workplace determination comes into operation in relation to the employee."

It therefore becomes a problem if a union comes to a new agreement with a company, it appears to extinguish the old IR agreement and thus the Telstra Redundancy Agreement anyway.

This does appear to be an unintended outcome to what is proposed in the legislation. The Federal Government's Explanatory Memorandum highlights that a new sub-clause 28(1) would be substituted provided for old IR agreements to cease operation if they are terminated under proposed new Clause 29A (Refer page 96 Explanatory Memorandum).



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New Clause 29A really provides that the Commission may terminate the agreement by order if it is satisfied that all of the parties to the termination agree. By retaining Clause 28(2) it really extinguishes the old IR agreement and nullifies the intent of Clause 29(A).

We thank you for your consideration on this matter and request that Clause 28(2) also be removed.

For further information please contact Burt Blackburne of this office.

Yours faithfully,



Ian Bryant,

ACTING DIVISIONAL SECRETARY.

BB:mp

Cc: Senator John Odin Wentworth Watson
Senator Gavin Mark Marshall