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Contents

1	Meeting of Senate	3947
2	Government Documents	3947
3	Workplace Relations Amendment (A Stronger Safety Net) Bill 2007.....	3947
4	Questions	3947
5	Communications—Broadband—Answers to Questions	3948
6	Law and Justice—Hand Guns—Answer to Question.....	3948
7	Petitions	3948
8	Notices.....	3948
9	Postponements.....	3950
10	Foreign Affairs—Dalai Lama.....	3951
11	Economics—Standing Committee—Extension of Time to Report.....	3951
12	Public Interest Disclosure (Protection of Whistleblowers) Bill 2002 [2004]—General Business Order of the Day Discharged.....	3951
13	Foreign Affairs—Children—Human Rights	3951
14	Environment—Northern New South Wales—Water Resources.....	3952
15	Defence—Naval Ships—Safety—Proposed Order for Production of Documents	3953
16	Auditor-General—Audit Report No. 45 of 2006-07—Document.....	3954
17	Corporations and Financial Services—Joint Statutory Committee— Report—Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007 and Related Bills.....	3954
18	Committees—Reports—Budget Estimates 2007-08	3954
19	Documents.....	3955
20	Social Security Amendment (Apprenticeship Wage Top-Up for Australian Apprentices) Bill 2007	3955
21	Appropriation (Parliamentary Departments) Bill (No. 1) 2007-2008 Appropriation Bill (No. 1) 2007-2008 Appropriation Bill (No. 2) 2007-2008 Appropriation Bill (No. 5) 2006-2007 Appropriation Bill (No. 6) 2006-2007.....	3955

22	Workplace Relations Amendment (A Stronger Safety Net) Bill 2007.....	3956
23	Adjournment	3981
24	Attendance.....	3982

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2006—

Native title.

Social justice.

Australian National University—Report for 2006.

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2007.

Research Involving Human Embryos Act 2002—National Health and Medical Research Council—NHMRC Licensing Committee—Report for the period 1 October 2006 to 31 March 2007.

3 WORKPLACE RELATIONS AMENDMENT (A STRONGER SAFETY NET) BILL 2007

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time—*and on the amendment moved by Senator Wong*:

At the end of the motion, add “but the Senate condemns the Government’s lack of honesty about:

- (a) its plans for extreme industrial relations laws before the last election;
- (b) the impact of its inherently unfair Work Choices laws, including the way these laws have:
 - (i) caused the pay and conditions of individuals on Australian Workplace Agreements to be cut,
 - (ii) allowed good workers to be dismissed for no reason at all,
 - (iii) placed an unprecedented paperwork burden on small businesses, and
 - (iv) destroyed the independent industrial umpire;
- (c) the cost of the taxpayer-funded polling research which apparently led the Government to drop the term ‘Work Choices’ and bring this bill to the Senate;
- (d) the magnitude of the taxpayer-funded advertising campaign to promote the Government’s political spin on industrial relations;
- (e) the fact that this bill leaves Australians still overwhelmingly exposed to the harshness of Work Choices; and
- (f) its intention to legislate even harsher laws if re-elected”.

Debate resumed.

At 2 pm: Debate was interrupted.

4 QUESTIONS

Questions without notice were answered.

5 COMMUNICATIONS—BROADBAND—ANSWERS TO QUESTIONS

Senator Lundy moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked today relating to broadband telecommunications infrastructure.

Debate ensued.

Question put and passed.

6 LAW AND JUSTICE—HAND GUNS—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Johnston) to a question without notice asked by Senator Fifield today relating to hand guns.

Question put and passed.

7 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Crossin, from 189 petitioners, requesting that the Senate oppose legislative or administrative measures altering the operation of the current permit system under the *Aboriginal Land Rights (Northern Territory) Act 1976* without consultation with a significant majority of people who have a ‘traditional’ interest in the land.

Senator Nettle, from 10 332 petitioners, requesting that the Senate demand an immediate halt to the construction of the Christmas Island Detention Centre and call for an end to the mandatory, indefinite and judicially non-reviewable detention of refugees.

8 NOTICES

Notices of motion:

Senator Sterle: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Independent Contractors Act 2006*, and for related purposes. ***Independent Contractors Amendment Bill 2007 (No. 2)***. (*general business notice of motion no. 822*)

The Minister for Communications, Information Technology and the Arts (Senator Coonan): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Australian Postal Corporation Act 1989*, and for related purposes. ***Australian Postal Corporation Amendment (Quarantine Inspection and Other Measures) Bill 2007***.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to therapeutic goods, and for related purposes. ***Therapeutic Goods Amendment Bill 2007***.

The Leader of the Australian Democrats (Senator Allison): To move on 21 June 2007—That the Senate—

- (a) considers the use of Kirribilli House, the Prime Minister’s Lodge and Parliament House for political party fundraising to be at odds with the ethical conduct expected of senators, members, ministers and presiding officers; and

- (b) calls on the Government to develop a model code of ethical conduct for ratification and implementation by the Federal Parliament as a matter of urgency. (*general business notice of motion no. 823*)

Senator Milne: To move on the next day of sitting—That the Senate—

- (a) notes that, at its annual summit held from 6 June to 8 June 2007, the Group of Eight (G8):
- (i) agreed that the United Nations (UN) climate process is the appropriate forum for negotiating future global action on climate change,
 - (ii) called on all parties to actively and constructively participate in the UN Climate Change Conference to be held in Indonesia in December 2007 with a view to achieving a comprehensive post 2012-agreement (post Kyoto-agreement) that should include all major emitters, and
 - (iii) stressed that further action should be based on the UN Framework Convention on Climate Change principle of common but differentiated responsibilities and capabilities; and
- (b) endorses the above agreements and resolutions of the G8 meeting. (*general business notice of motion no. 824*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate congratulates the 10 000 or more Tasmanians who turned out in Launceston on Saturday, 16 June 2007 to protest against the proposed Gunns Limited pulp mill, for their civic pride, concern for the environment and peaceful expression of opinion in the best of democratic traditions. (*general business notice of motion no. 825*)

Senator Crossin: To move on the next day of sitting—That the Senate—

- (a) expresses its deep regret at the passing of the late Mr George Burarrawanga, who died at his Elcho Island home of Galiwin'ku in the Northern Territory on 9 June 2007;
- (b) pays tribute to Mr Burarrawanga's life as a performer, best known as the magnetic lead singer of the Warumpi Band which was formed in the Central Australian community of Papunya and took its music across Australia and internationally, particularly with the well-known ballad 'My Island Home';
- (c) recognises Mr Burarrawanga's heritage as a proud saltwater Gumatj man who also developed strong links in Central Australian communities and mastered several Aboriginal languages;
- (d) notes Mr Burarrawanga's contribution to bringing a greater understanding of Aboriginal Australia through his life and performance which bridged many cultural divides; and
- (e) conveys its condolences to Mr Burarrawanga's family and the community during this period of grief. (*general business notice of motion no. 826*)

Senator Nettle: To move on the next day of sitting—That the Senate—

- (a) notes that:
- (i) 21 June 2007 marks one month since Afghan Member of Parliament and democracy advocate Ms Malalai Joya was suspended from the Afghan Parliament as a result of criticising some of its members,
 - (ii) Ms Joya's electoral term runs for another 3½ years and she received the second highest number of votes in the district that she represents,
 - (iii) a core criticism of the Taliban regime was that its treatment of women was deeply oppressive,

- (iv) Ms Joya has been a strident critic of the continued oppression of women in Afghanistan and has said that life for women in Afghanistan today is no better than life under Taliban rule, and
 - (v) supporters of Ms Joya are organising, around the world in the week beginning 18 June 2007, to mobilise international support for her case and call for her reinstatement to the Afghan Parliament; and
- (b) calls on the Government to:
- (i) communicate to the Afghan Government its concern at the suspension of Ms Joya from the Parliament and request that she be reinstated to the Afghan Parliament, and
 - (ii) urge the Afghan Government to take steps to protect and promote the rights of women in Afghanistan. (*general business notice of motion no. 827*)

Senator Nettle: To move on the next day of sitting—That—

- (a) the Senate:
- (i) condemns the recent decision of the New South Wales State Labor Government to allow the giant Anvil Hill coal mine to proceed, and
 - (ii) notes that the Minister for the Environment and Water Resources (Mr Turnbull) decided on 11 February 2007 not to assess the mine under the controlled action provisions of the *Environment Protection and Biodiversity Conservation Act 1999*; and
- (b) there be laid on the table by the Minister representing the Minister for the Environment and Water Resources, no later than noon on 7 August 2007:
- (i) all documents relating to the decision not to make the Anvil Hill coal mine a controlled action under the Act, and
 - (ii) any other documents held by the Department of the Environment and Water Resources in relation to the Anvil Hill coal mine. (*general business notice of motion no. 828*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 18 June 2007, withdrew business of the Senate notices of motion nos 2 and 3 standing in his name for 7 sitting days after today for the disallowance of the following instruments:

Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006 – Instrument 2006 No. R33, made under subsection 18(2) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

Treatment Principles (Australian Participants in British Nuclear Tests) 2006 – Instrument 2006 No. R30, made under subsection 16(2) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

9 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator O'Brien for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Committee, postponed till 20 June 2007.

General business notice of motion no. 791 standing in the name of Senator Milne for today, relating to Colombia and human rights, postponed till 20 June 2007.

General business notice of motion no. 820 standing in the name of Senator Nettle for today, relating to BBC journalist, Mr Alan Johnston, postponed till 20 June 2007.

10 FOREIGN AFFAIRS—DALAI LAMA

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 813—That the Senate congratulates the Dalai Lama for his dignity, compassion and forbearance during his popular visit to Australia.

Question put and passed.

11 ECONOMICS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Economics Committee (Senator Ronaldson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 817—That the time for the presentation of the report of the Economics Committee on private equity markets be extended to 16 August 2007.

Question put and passed.

12 PUBLIC INTEREST DISCLOSURE (PROTECTION OF WHISTLEBLOWERS) BILL 2002 [2004]—GENERAL BUSINESS ORDER OF THE DAY DISCHARGED

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 819—That general business order of the day no. 16 relating to the Public Interest Disclosure (Protection of Whistleblowers) Bill 2002 [2004] be discharged from the *Notice Paper*.

Question put and passed.

13 FOREIGN AFFAIRS—CHILDREN—HUMAN RIGHTS

Senator Stephens amended general business notice of motion no. 821 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) hundreds of thousands of children are driven into the multi-billion dollar commercial sex trade every year,
- (ii) more than 100 countries are parties to the United Nations (UN) ‘Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography’, which opposes the sale of children, child prostitution and child pornography and requires those offering or delivering or accepting children for the purposes of sexual exploitation, organ harvesting or forced labour to be punished,
- (iii) while Australia ratified the optional protocol on 8 January 2007, some countries in our region that receive aid from Australia have signed the optional protocol but are yet to ratify it, while others are yet to sign the document, and
- (iv) poverty is a key driver in fuelling child and adult trafficking; and

- (b) calls on the Federal Government to:
- (i) encourage countries in the region to become party to the UN ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children’ and implement its requirements in practice,
 - (ii) maintain support for poverty alleviation programs directly targeted to assist poor communities particularly affected by people trafficking, and
 - (iii) maintain its responses to the needs of victims of trafficking into Australia by improving support services, reviewing access to visas and by assisting the repatriation of those who wish to return to their country of origin.

Question put and passed.

14 ENVIRONMENT—NORTHERN NEW SOUTH WALES—WATER RESOURCES

Senator Siewert, also on behalf of Senator Nettle, amended general business notice of motion no. 815 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
- (i) the impact of reduced rainfall on inflows into river systems in northern New South Wales due to the combined effects of climate change and drought,
 - (ii) that serious water management issues already exist in these systems, including problems with over-allocation of water resources, and
 - (iii) the economic value of the range of industries that depend on these systems, from dairy farms on the floodplains through to commercial fisheries; and
- (b) calls on the Federal Government to:
- (i) abandon plans for damming the Clarence, Tweed, Richmond and Mann Rivers, and
 - (ii) work with local communities, local water authorities and state governments in developing alternative sources to meet increasing demand, such as rainwater tanks, stormwater capture and storage, and recycling.

Question put.

The Senate divided—

AYES, 31

Senators—

Allison	Forshaw	McEwen	Sherry
Bartlett	Hogg	McLucas	Siewert
Bishop	Hurley	Milne	Stephens
Brown, Bob	Hutchins	Moore	Sterle
Brown, Carol	Kirk	Murray	Stott Despoja
Campbell (Teller)	Ludwig	Nettle	Webber
Carr	Lundy	Polley	Wortley
Crossin	Marshall	Ray	

NOES, 35

Senators—			
Abetz	Colbeck	Heffernan	Nash
Adams	Coonan	Humphries	Parry (Teller)
Barnett	Eggleston	Johnston	Payne
Bernardi	Ellison	Joyce	Ronaldson
Birmingham	Ferguson	Kemp	Scullion
Boswell	Fielding	Lightfoot	Troeth
Boyce	Fierravanti-Wells	Macdonald, Sandy	Trood
Calvert	Fifield	Mason	Watson
Chapman	Fisher	McGauran	

Question negatived.

15 DEFENCE—NAVAL SHIPS—SAFETY—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Faulkner, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 818—That there be laid on the table by the Minister representing the Minister for Defence all documents including briefs to ministers concerning complaints and allegations made in 1997 and 1998 about substandard maintenance on Navy ships and the likely risks of harm, particularly with respect to the safety of HMAS *Westralia*, as well as responses and results of any investigations into those complaints and allegations subsequently conducted.

Question put.

The Senate divided—

AYES, 32

Senators—			
Allison	Fielding	Marshall	Ray
Bartlett	Forshaw	McEwen	Sherry
Bishop	Hogg	McLucas	Siewert
Brown, Bob	Hurley	Milne	Stephens
Brown, Carol	Hutchins	Moore	Sterle
Campbell (Teller)	Kirk	Murray	Stott Despoja
Crossin	Ludwig	Nettle	Webber
Faulkner	Lundy	Polley	Wortley

NOES, 34

Senators—			
Abetz	Colbeck	Humphries	Parry (Teller)
Adams	Coonan	Johnston	Payne
Barnett	Eggleston	Joyce	Ronaldson
Bernardi	Ellison	Kemp	Scullion
Birmingham	Ferguson	Lightfoot	Troeth
Boswell	Fierravanti-Wells	Macdonald, Sandy	Trood
Boyce	Fifield	Mason	Watson
Calvert	Fisher	McGauran	
Chapman	Heffernan	Nash	

Question negatived.

Statement by leave: The Minister for Fisheries, Forestry and Conservation (Senator Abetz), by leave, made a statement relating to the motion.

16 AUDITOR-GENERAL—AUDIT REPORT NO. 45 OF 2006-07—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Auditor-General—Audit report no. 45 of 2006-07—Performance audit—The National Black Spot Programme: Department of Transport and Regional Services.

17 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—CORPORATIONS LEGISLATION AMENDMENT (SIMPLER REGULATORY SYSTEM) BILL 2007 AND RELATED BILLS

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and documents:

Corporations and Financial Services—Joint Statutory Committee—Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007, Corporations (Fees) Amendment Bill 2007 and Corporations (Review Fees) Amendment Bill 2007—Report, dated June 2007, Hansard record of proceedings and submissions [14].

Report ordered to be printed on the motion of Senator Chapman.

Senator Chapman, by leave, moved—That the Senate take note of the report.

Question put and passed.

18 COMMITTEES—REPORTS—BUDGET ESTIMATES 2007-08

Pursuant to order, Senator Nash, at the request of the chairs of the respective committees, tabled the following reports, dated June 2007, and documents:

Budget estimates 2007-08—

Community Affairs—Standing Committee—Report and Hansard record of proceedings.

Economics—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Employment, Workplace Relations and Education—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Environment, Communications, Information Technology and the Arts—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Finance and Public Administration—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Foreign Affairs, Defence and Trade—Standing Committee—Report and Hansard record of proceedings.

Legal and Constitutional Affairs—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Rural and Regional Affairs and Transport—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Reports ordered to be printed on the motion of Senator Nash.

19 DOCUMENTS

The following documents were tabled by the Clerk:

[*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*]

Australian Bureau of Statistics Act—Proposals Nos—
 2 of 2007—Survey of Mental Health and Wellbeing.
 3 of 2007—Survey of Income and Housing.
 4 of 2007—National Health Survey.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/CL-600/41 Amdt 1—Fire Warning Control Unit [F2007L01773]*.

AD/CL-600/71—State of Design Airworthiness Directives [F2007L01774]*.

AD/EMB-120/46—Fuel System [F2007L01765]*.

Higher Education Support Act—Higher Education Provider Approval (No. 8 of 2007)—Adelaide Central School of Art Incorporated [F2007L01734]*.

Private Health Insurance Act—Private Health Insurance (Prostheses) Amendment Rules 2007 (No. 1) [F2007L01775]*.

* Explanatory statement tabled with legislative instrument.

20 SOCIAL SECURITY AMENDMENT (APPRENTICESHIP WAGE TOP-UP FOR AUSTRALIAN APPRENTICES) BILL 2007

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 586, dated 18 June 2007—A Bill for an Act to amend the law relating to taxation, veterans' entitlements and social security, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Abetz moved—That this bill be now read a second time.

On the motion of Senator Abetz the debate was adjourned till the next day of sitting.

21 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2007-2008

APPROPRIATION BILL (NO. 1) 2007-2008

APPROPRIATION BILL (NO. 2) 2007-2008

APPROPRIATION BILL (NO. 5) 2006-2007

APPROPRIATION BILL (NO. 6) 2006-2007

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 589, dated 19 June 2007—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 587, dated 19 June 2007—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 588, dated 19 June 2007—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

Message no. 590, dated 19 June 2007—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 591, dated 19 June 2007—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Abetz moved—That these bills be now read a second time.

On the motion of Senator Abetz the debate was adjourned till the next day of sitting.

22 WORKPLACE RELATIONS AMENDMENT (A STRONGER SAFETY NET) BILL 2007

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time—and on the amendment moved by Senator Wong (see entry no. 3).

Debate resumed.

Question—That the amendment be agreed to—put and negatived.

Main question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Minister for Fisheries, Forestry and Conservation (Senator Abetz) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.

On the motion of Senator Abetz the following amendments, taken together by leave, were agreed to:

Clause 2, page 2 (at the end of the table), add:

- | | |
|---------------|--|
| 7. Schedule 6 | The day on which this Act receives the Royal Assent. |
|---------------|--|

Schedule 1, item 1, page 4 (after line 10), before the definition of *designated award* in subsection 346B(1), insert:

business being transferred has the same meaning as in Part 11.

Schedule 1, item 1, page 4 (after line 27), after the definition of *industrial instrument* in subsection 346B(1), insert:

new employer has the same meaning as in Part 11.

old employer has the same meaning as in Part 11.

Schedule 1, item 1, page 5 (after line 24), after the definition of *salary* in subsection 346B(1) (after the note), insert:

time of transmission, in relation to a business being transferred, has the same meaning as in Part 11.

transferring employee has the same meaning as in Part 11.

transmission period, in relation to a business being transferred, has the same meaning as in Part 11.

Schedule 1, item 1, page 6 (after line 20), after section 346C, insert:

346CA Industry or occupation usually regulated by State award before the reform commencement—extended operation of certain provisions

- (1) For the purposes of a provision mentioned in subsection (2), an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by an employee are usually regulated by an award is taken to include an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employee:
 - (a) were, immediately before the reform commencement, usually regulated by a State award; or
 - (b) would, but for an industrial instrument or a State employment agreement, usually have been regulated by a State award immediately before the reform commencement.
- (2) The provisions are as follows:
 - (a) subparagraph 346E(1)(b)(ii);
 - (b) subparagraph 346E(2)(b)(ii);
 - (c) subparagraph 346F(1)(b)(ii);
 - (d) subparagraph 346F(2)(b)(ii);
 - (e) paragraph 346K(2)(a);
 - (f) a provision referred to in paragraph (a), (b), (c) or (d), as referred to in section 346L.

Schedule 1, item 1, page 7 (after line 6), at the end of Subdivision A, add:

346DA Transmission of business—where no decision under section 346M at time of transmission

- (1) This section applies if:
 - (a) the Workplace Authority Director is required to decide under section 346M whether a workplace agreement passes the fairness test; and

- (b) before the Workplace Authority Director makes the decision, the workplace agreement becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585.
- (2) Subject to subsection (4), for the purposes of deciding under section 346M whether the workplace agreement passes the fairness test, references to the employer in section 346M and in the definition of *relevant award* are taken to be references to the old employer.
- (3) If:
 - (a) the Workplace Authority Director has been notified that the workplace agreement is binding on the new employer and the transferring employee or transferring employees; and
 - (b) the Workplace Authority Director is required to give a notice under section 346J, 346P or 346U to the employer in relation to the workplace agreement;
 the Workplace Authority Director must give the notice to both the old employer and the new employer.
- (4) If the Workplace Authority Director decides under section 346M that the workplace agreement does not pass the fairness test:
 - (a) references in section 346R to the employer bound by the workplace agreement are taken to be references to the new employer; and
 - (b) to avoid doubt, if the new employer subsequently lodges a variation of the workplace agreement under section 346R then, for the purposes of deciding under section 346U whether the workplace agreement as varied passes the fairness test, references in section 346M to the employer are taken to be references to the old employer.

Note 1: The employment arrangements that have effect in relation to the new employer and the transferring employee or transferring employees are as set out in section 346YA.

Note 2: The compensation payable to the transferring employees under section 346ZD by both the old employer and the new employer is as specified in subsections 346ZD(2), (2A) and (2B).

346DB Transmission of business—where no decision on a varied agreement under section 346U at time of transmission

- (1) This section applies if:
 - (a) the Workplace Authority Director is required to decide under section 346U whether a workplace agreement as varied passes the fairness test; and
 - (b) before the Workplace Authority Director makes the decision, the workplace agreement becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585.
- (2) For the purposes of deciding under section 346U whether the workplace agreement as varied passes the fairness test, references in section 346M to the employer are taken to be references to the old employer.

- (3) If:
- (a) the Workplace Authority Director has been notified that the workplace agreement is binding upon the new employer and a transferring employee or transferring employees; and
 - (b) the Workplace Authority Director is required to give a notice under section 346U to the employer in relation to the workplace agreement;
- the Workplace Authority Director must give the notice to both the old employer and the new employer.

346DC Transmission of business—employees still employed by old employer

To avoid doubt, if a workplace agreement becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585, this Division has effect, to the extent that the workplace agreement continues to bind the old employer, and an employee or employees who are not transferring employees, according to its terms.

Schedule 1, item 1, page 13 (lines 9 to 15), omit the note.

Schedule 1, item 1, page 15 (lines 7 to 13), omit the note.

Schedule 1, item 1, page 22 (line 27), omit paragraph 346U(4)(b), substitute:

- (b) if the workplace agreement as varied passes the fairness test:
 - (i) that the workplace agreement continues in operation; and
 - (ii) that the workplace agreement was varied by way of a variation or a written undertaking, as the case may be; and
 - (iii) that the employee or employees whose employment is, or was at any time, subject to the workplace agreement are, on and from the date of issue of the notice, entitled to any compensation payable to the employee or employees under section 346ZD; and
- (c) if the workplace agreement as varied does not pass the fairness test:
 - (i) that, if the workplace agreement was in operation immediately before the date of issue of the notice—the agreement ceases to operate on the date of issue of the notice; and
 - (ii) that the employee or employees whose employment was at any time subject to the workplace agreement are, on and from the date of issue of the notice, entitled to any compensation payable to the employee or employees under section 346ZD.

Schedule 1, item 1, page 24 (after line 38), after subsection 346Y(4), insert:

- (4A) Despite subsection (2), if the original agreement is a workplace agreement that, after lodgment, becomes binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585, this section does not have the effect of binding the new employer and the transferring employee or transferring employees to an instrument or to a designated award.

Note: The employment arrangements that have effect in relation to the new employer and the transferring employee or transferring employees are as set out in section 346YA.

Schedule 1, item 1, page 25 (after line 16), after section 346Y, insert:

346YA Employment arrangements if a workplace agreement ceases to operate because it does not pass fairness test—transmission of business

- (1) This section applies if:
 - (a) on a particular day (the *cessation day*), a workplace agreement (the *original agreement*) ceases to operate under section 346R or 346W because the original agreement does not pass the fairness test; and
 - (b) during the period beginning when the original agreement was lodged and ending on the cessation day, the original agreement became binding upon a new employer and a transferring employee or transferring employees because of the operation of section 583 or 585 in relation to a business being transferred; and
 - (c) the cessation day occurs during the transmission period in relation to the business being transferred.

Note: If the cessation day occurs after the transmission period ends, the rules in Part 11 will have effect according to their terms.

- (2) The new employer and the transferring employee or transferring employees who were bound by the original agreement immediately before the cessation day are taken, on and from the cessation day, to be bound by:
 - (a) the instrument:
 - (i) that, but for the original agreement having come into operation, would have bound the old employer and the transferring employee or transferring employees immediately before the time of transmission; and
 - (ii) that was capable of binding the new employer after the time of transmission under Part 11, Schedule 6 or Schedule 9; or
 - (b) if there is no instrument of a kind referred to in paragraph (a) in relation to the old employer and one or more of the transferring employees—the designated award in relation to that employee or those employees, to the extent that the designated award contains protected award conditions.
- (3) If, but for the original agreement having come into operation, the old employer would have been bound, immediately before the time of transmission, under a designated provision by a redundancy provision in relation to a transferring employee or transferring employees whose employment was subject to the original agreement, the new employer is taken:
 - (a) to be bound under section 598A or clause 27A of Schedule 9, as the case requires, on and from the cessation day, by the redundancy provision in relation to the transferring employee or transferring employees; and
 - (b) to continue to be bound until the earliest of the following:
 - (i) the end of the period of 12 months beginning on the first day on which the old employer became bound under a designated provision by the redundancy provision;

- (ii) the time when the employee ceases to be employed by the new employer;
 - (iii) the time when another workplace agreement comes into operation in relation to the transferring employee or the transferring employees and the new employer.
- (4) If the original agreement is a workplace agreement as varied under Division 8, the workplace agreement as in force before the variation was lodged is, despite section 346ZB, capable of being an instrument described in paragraph (2)(a).

(5) In this section:

designated provision has the same meaning as in section 346ZA.

instrument means any of the following:

- (a) a workplace agreement;
- (b) an award;
- (c) a pre-reform certified agreement (within the meaning of Schedule 7);
- (d) a pre-reform AWA.

Note: Preserved State agreements and notional agreements preserving State awards are dealt with in Schedule 8.

Schedule 1, item 1, page 25 (line 17), omit “**section 346Y**”, substitute “**sections 346Y and 346YA**”.

Schedule 1, item 1, page 25 (line 18), before “If”, insert “(1)”.

Schedule 1, item 1, page 26 (after line 4), at the end of section 346Z (after the note), add:

- (2) If, because of the operation of section 346YA, a new employer and a transferring employee or transferring employees are taken to be bound by an instrument, the instrument is taken, despite any other provision of this Act, to have effect in relation to the new employer and the transferring employee or employees throughout the period:
- (a) beginning on the cessation day; and
 - (b) ending at the end of the transmission period in relation to the business being transferred;
- as if the new employer and the transferring employee or transferring employees had become bound by the instrument under Part 11, Schedule 6 or Schedule 9, as the case requires.

Schedule 1, item 1, page 27 (line 16), omit “section 346Y”, substitute “section 346Y or 346YA”.

Schedule 1, item 1, page 27 (line 34), omit “became entitled under the workplace agreement”, substitute “was entitled, under the workplace agreement, and under any other applicable law, agreement or arrangement that operated in conjunction with the workplace agreement,”.

Schedule 1, item 1, page 28 (lines 6 to 13), omit all the words after “period,”, substitute “worked out in accordance with the assumptions set out in subsection (2A)”.

Schedule 1, item 1, page 28 (after line 13), after subsection 346ZD(2), insert:

- (2A) For the purposes of working out the total value of the entitlements to which the employee would have been entitled, in respect of one or more periods of employment of the employee during the fairness test period, it is to be assumed that, during that period or those periods of employment:
- (a) the employee's employment was subject to:
 - (i) the instrument or instruments that, but for the workplace agreement, would have bound the employer in relation to that period or those periods of employment of the employee; or
 - (ii) if there is no such instrument—the designated award in relation to the employee, to the extent that it contains protected award conditions; and
 - (b) the employer was bound, under a designated provision, by any redundancy provision that, but for the workplace agreement having come into operation, would have bound the employer in relation to the employee; and
 - (c) the employer was bound under section 394 by any undertaking that, but for the workplace agreement having come into operation, would have bound the employer in relation to the employee; and
 - (d) the employee's employment was subject to any other applicable law, agreement or arrangement that would have operated in conjunction with the instrument or instruments referred to in subparagraph (a)(i), or the designated award referred to in subparagraph (a)(ii), as the case requires.

Schedule 1, item 1, page 28 (after line 13), after subsection 346ZD(2), insert:

- (2B) If, because of the operation of section 583 or 585, the workplace agreement bound an old employer and a new employer in relation to the employment of a transferring employee during the fairness test period:
- (a) the transferring employee is entitled to be paid compensation by the old employer in respect of the period or periods during which the employee was employed by the old employer, worked out in accordance with the assumptions set out in subsection (2A); and
 - (b) the transferring employee is entitled to be paid compensation by the new employer in respect of the period or periods during which the employee was employed by the new employer, worked out in accordance with the assumptions set out in subsection (2A), subject to the following modifications:
 - (i) subparagraph (2A)(a)(i) is taken to refer to the instrument described in paragraph 346YA(2)(a); and
 - (ii) a reference in paragraph (2A)(b) to a designated provision is taken to be a reference to section 598A or clause 27A of Schedule 9, as the case requires.

Schedule 1, item 1, page 28 (after line 35), before the definition of *fairness test period*, insert:

designated provision has the same meaning as in section 346ZA.

Schedule 1, item 1, page 29 (after line 25), after section 346ZE, insert:

346ZEA Notice requirements in relation to transmission of business

- (1) This section applies if:
 - (a) a new employer is bound by a workplace agreement (the *transmitted workplace agreement*) in relation to a transferring employee because of section 583 or 585; and
 - (b) before the time of transmission in relation to the business being transferred, the Workplace Authority Director gave notice to the old employer under section 346J that the Workplace Authority Director must decide under section 346M or 346U whether the transmitted workplace agreement passes the fairness test; and
 - (c) as at the time of transmission, the Workplace Authority Director has not yet decided whether the transmitted workplace agreement passes the fairness test under whichever of those sections is applicable.
- (2) The old employer must take reasonable steps to give a written notice to the Workplace Authority Director that:
 - (a) identifies the transmitted workplace agreement; and
 - (b) states whether or not the old employer remains bound by the transmitted workplace agreement in relation to the employment of any employees; and
 - (c) specifies the date on which the transmission period in relation to the business being transferred ends; and
 - (d) specifies the name and address of the new employer.
- (3) Subsection (2) is a civil remedy provision.

Note: See Division 11 for provisions on enforcement.

Schedule 1, item 5, page 32 (line 31), after “346Y”, insert “, 346YA”.

Schedule 1, item 6, page 33 (line 9), after “346Y”, insert “, 346YA”.

Schedule 1, item 7, page 33 (line 21), after “346Y”, insert “, 346YA”.

Schedule 1, item 15, page 35 (after line 6), after paragraph (jb), insert:

(jba) for subsection 346ZEA(2)—30 penalty units;

Schedule 1, item 30, page 37 (line 34), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

Schedule 1, item 32, page 38 (line 20), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

Schedule 1, item 33, page 38 (line 34), after “346Y”, insert “, 346YA”.

Schedule 1, item 34, page 39 (line 8), after “346Y”, insert “, 346YA”.

Schedule 1, item 39, page 40 (line 20), after “346Y”, insert “, 346YA”.

Schedule 1, item 40, page 40 (line 30), after “346Y”, insert “, 346YA”.

Schedule 1, item 41, page 41 (line 30), omit “paragraph 346Y(2)(b)”, substitute “paragraphs 346Y(2)(b) and 346YA(2)(b)”.

Schedule 1, item 41, page 41 (line 38), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

Schedule 1, item 41, page 42 (line 4), omit “346ZD(2)(b)(ii)”, substitute “346ZD(2A)(a)(ii)”.

Schedule 1, item 41, page 42 (line 8), omit “paragraph 346Y(2)(b)”, substitute “paragraphs 346Y(2)(b) and 346YA(2)(b)”.

Schedule 1, item 42, page 43 (line 26), omit “paragraph 346Y(2)(b)”, substitute “paragraphs 346Y(2)(b) and 346YA(2)(b)”.

Schedule 1, item 42, page 43 (line 27), omit “subsection 346Y(5)”, substitute “subsections 346Y(5) and 346YA(5)”.

Schedule 1, item 42, page 43 (line 30), omit “346ZD(2)(b)(ii)”, substitute “346ZD(2A)(a)(ii)”.

Page 83 (after line 19), at the end of the bill, add:

Schedule 6—Minor technical amendments

Workplace Relations Act 1996

1 Paragraph 354(1)(b)

After “but for the agreement”, insert “, a previous workplace agreement or another industrial instrument”.

2 Subsection 354(4)

Insert:

industrial instrument means any of the following:

- (a) a pre-reform AWA;
- (b) a pre-reform certified agreement (within the meaning of Schedule 7);
- (c) a workplace determination;
- (d) a section 170MX award (within the meaning of Schedule 7);
- (e) an old IR agreement (within the meaning of Schedule 7).

3 Application

The amendments made by this Schedule apply to workplace agreements lodged on or after the day on which this Schedule commences.

Senator Abetz moved the following amendment:

Schedule 2, item 2, page 53 (after line 24), after Division 3, insert:

Division 3A—Workplace Relations Fact Sheet

154A Workplace Authority Director must issue Workplace Relations Fact Sheet

- (1) The Workplace Authority Director must, by notice published in the *Gazette*, issue a document called the Workplace Relations Fact Sheet.
- (2) The Workplace Relations Fact Sheet must contain the following:
 - (a) information about the Australian Fair Pay and Conditions Standard;
 - (b) information about protected award conditions;
 - (c) information about the fairness test;
 - (d) information about the role of the Workplace Authority Director and the Workplace Ombudsman.
- (3) The regulations may prescribe other matters relating to the content, form, or manner of providing the Workplace Relations Fact Sheet.
- (4) A Workplace Relations Fact Sheet issued under subsection (1) is not a legislative instrument.

154B Employer must give a Workplace Relations Fact Sheet to new employees

- (1) If a person becomes an employee of an employer, the employer must take reasonable steps to ensure that the employee is given a copy of the Workplace Relations Fact Sheet issued under section 154A within the period of 7 days commencing on the day on which the person became an employee of the employer.
- (2) Subsection (1) is a civil remedy provision.

154C Employer must give a Workplace Relations Fact Sheet to existing employees

- (1) An employer must take reasonable steps to ensure that each person who is an employee of the employer on the day on which the Workplace Authority Director issues the first Workplace Relations Fact Sheet under section 154A is given a copy of the Workplace Relations Fact Sheet within the period of 3 months commencing on that day.
- (2) Subsection (1) is a civil remedy provision.

154D Penalties for contravention of civil remedy provisions

- (1) The Court may make an order imposing a pecuniary penalty on a person who has contravened section 154B or 154C on application by:
 - (a) a workplace inspector; or
 - (b) an employee affected by the contravention.
- (2) The maximum penalty that may be imposed under subsection (1) is 1 penalty unit.

Note: Division 3 of Part 14 contains other provisions relevant to civil remedies.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 34

Senators—

Adams	Coonan	Humphries	Parry
Barnett	Eggleston	Johnston	Payne
Bernardi	Ellison	Joyce	Ronaldson
Birmingham	Ferguson	Kemp	Scullion
Boswell	Fielding	Lightfoot	Troeth
Boyce	Fierravanti-Wells	Macdonald, Sandy	Trood
Calvert	Fifield	Mason	Watson
Chapman	Fisher	McGauran (Teller)	
Colbeck	Heffernan	Nash	

NOES, 30

Senators—

Allison	Hogg	McLucas	Siewert
Bartlett	Hurley	Milne	Stephens
Bishop	Hutchins	Moore	Sterle
Brown, Bob	Kirk	Murray	Stott Despoja
Brown, Carol	Ludwig	Nettle	Webber (Teller)
Campbell	Lundy	O'Brien	Wortley
Crossin	Marshall	Polley	
Forshaw	McEwen	Ray	

Question agreed to.

On the motion of Senator Abetz the following amendments, taken together by leave, were agreed to:

Schedule 1, item 1, page 7 (lines 14 to 21), omit paragraph 346E(1)(b), substitute:

(b) on the date of lodgment:

- (i) the employer bound by the AWA is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the employee; or
- (ii) the employee whose employment is subject to the AWA is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employee are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

Schedule 1, item 1, page 8 (lines 11 to 19), omit paragraph 346E(2)(b), substitute:

(b) on the date of lodgment:

- (i) the employer bound by the collective agreement is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the one or more of the employees; or
- (ii) one or more of the employees whose employment is subject to the collective agreement is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employees are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

Senator Siewert moved the following amendments together by leave:

No. 1—Schedule 1, item 1, page 5 (lines 16 to 24), omit the definition of *salary* in subsection 346B(1).

No. 2—Schedule 1, item 1, page 7 (line 9) to page 8 (line 25), omit section 346E and the note, substitute:

346E Workplace Authority Director must apply the fairness test to all workplace agreements

The Workplace Authority Director must decide under section 346M whether every AWA and collective agreement lodged after 27 March 2006 passes the fairness test.

No. 3—Schedule 1, item 1, page 10 (line 3) to page 15 (line 17), omit sections 346G to 346L.

No. 4—Schedule 1, item 1, page 17 (lines 16 to 23), omit paragraphs 346N(3)(a) and (b), substitute:

- (a) before the Workplace Authority Director decides whether a workplace agreement passes the fairness test, a variation was lodged, the Workplace Authority Director is required to decide whether the workplace agreement as varied passes the test;

Debate ensued.

The question was divided—

Question—That amendment no. 1 be agreed to—put and negatived.

Question—That amendments nos 2 to 4 be agreed to—put and negatived.

On the motion of Senator Abetz the following amendments, taken together by leave, were agreed to:

Schedule 1, item 1, page 8 (line 33) to page 9 (line 3), omit paragraph 346F(1)(b), substitute:

- (b) on the date of lodgment of the variation:
 - (i) the employer bound by the AWA as varied is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the employee; or
 - (ii) the employee whose employment is subject to the AWA as varied is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employee are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

Schedule 1, item 1, page 9 (lines 28 to 36), omit paragraph 346F(2)(b), substitute:

- (b) on the date of lodgment of the variation:
 - (i) the employer bound by the collective agreement as varied is bound by an award in respect of the terms and conditions of the kind of work performed or to be performed by the one or more of the employees; or
 - (ii) one or more of the employees whose employment is subject to the collective agreement as varied is employed in an industry or occupation in which the terms and conditions of the kind of work performed or to be performed by the employees are usually regulated by an award, or would, but for a workplace agreement or another industrial instrument, usually be regulated by an award; and

Senator Wong moved the following amendments together by leave:

Schedule 1, item 1, page 4 (lines 28 and 29), omit the definition of *protected award conditions* in subsection 346B(1).

Schedule 1, item 1, page 5 (lines 16 to 24), omit the definition of *salary*.

Schedule 1, item 1, page 5 (lines 25 to 32), omit subsection 346B(2) and the note.

Schedule 1, item 1, page 6 (lines 1 to 16), omit “protected” (wherever occurring).

Schedule 1, item 1, page 6 (line 17), omit “protected”.

Schedule 1, item 1, page 7 (lines 22 to 35), omit paragraph 346E(1)(c).

Schedule 1, item 1, page 8 (lines 1 to 23), omit “protected” (twice occurring).

Schedule 1, item 1, page 9 (lines 4 to 17), omit paragraph 346F(1)(c).

Schedule 1, item 1, page 9 (lines 18 to 40), omit “protected” (twice occurring).

Schedule 1, item 1, page 14 (line 2), omit “paragraphs 346E(1)(a), (b) and (c)”, substitute “paragraphs 346E(1)(a) and (b)”.

Schedule 1, item 1, page 14 (lines 14 and 15), omit “paragraphs 346F(1)(b) and (c)”, substitute “paragraph 346F(1)(b)”.

Schedule 1, item 1, page 15 (line 20) to page 16 (line 10), omit “protected” (wherever occurring).

Schedule 1, item 1, page 24 (lines 24 and 25), omit “, to the extent that the designated award contains protected award conditions”.

Schedule 1, item 1, page 28 (lines 12 and 13), omit “, to the extent that it contains protected award conditions”.

Schedule 1, item 1, page 28 (line 13), omit “protected”.

Schedule 1, item 1, page 31 (lines 10 to 19), omit “protected” (wherever occurring).

Schedule 1, item 8, page 33 (line 24), omit “certain protected”.

Schedule 1, item 41, page 41 (lines 10 and 11), omit paragraph 25B(1)(c).

Schedule 1, item 41, page 41 (lines 15 and 16), omit paragraph 25B(1)(d), substitute:

(d) a reference in that Division to award conditions were a reference to preserved conditions; and

Schedule 1, item 41, page 41 (lines 20 to 24), omit paragraph 25B(1)(f), substitute:

(f) section 346C was substituted with:

“For the purposes of this Division, preserved conditions are taken to apply under a preserved State agreement in relation to an employee if the employee’s employment is subject to a workplace agreement.”; and

Schedule 1, item 41, page 41 (lines 25 and 26), omit paragraph 25B(1)(g).

Schedule 1, item 41, page 41 (lines 32 to 37), omit the words from “(b) if there is” to and including “agreement.”, substitute “(b) if there is no instrument of the kind referred to in paragraph (a) in relation to the employer and one or more of the employees—preserved conditions in relation to the employee.”.

Schedule 1, item 41, page 42 (line 6), omit “protected”.

Schedule 1, item 41, page 42 (line 10), omit “protected”.

Schedule 1, item 41, page 42 (lines 16 and 17), omit the definition of *protected preserved condition*, substitute:

preserved condition means a term of a State award or a provision of a State or Territory industrial law, as in force immediately before the reform commencement, that would have determined a term or condition of employment of a person, had the person been employed at that time and that employment not been subject to a State employment agreement.

Schedule 1, item 41, page 42 (lines 23 to 31), omit subclause 25B(4) and the note.

Schedule 1, item 42, page 43 (lines 11 and 12), omit paragraph 52AAA(1)(c).

Schedule 1, item 42, page 43 (lines 16 and 17), omit paragraph 52AAA(1)(d), substitute:

(d) a reference in that Division to award conditions were a reference to notional conditions; and

Schedule 1, item 42, page 43 (lines 32 and 33), omit the definition of *protected notional conditions* in subclause 52AAA(2), substitute:

notional condition means a term of a notional agreement preserving State awards.

Schedule 1, item 42, page 44 (lines 3 to 10), omit subclause 52AAA(3) and the note.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 31

Senators—

Allison	Hogg	McLucas	Siewert
Bartlett	Hurley	Milne	Stephens
Bishop	Hutchins	Moore	Sterle
Brown, Bob	Kirk	Murray	Stott Despoja
Brown, Carol	Ludwig	Nettle	Webber (Teller)
Crossin	Lundy	O'Brien	Wong
Faulkner	Marshall	Polley	Wortley
Forshaw	McEwen	Ray	

NOES, 35

Senators—

Abetz	Colbeck	Heffernan	Nash
Adams	Coonan	Humphries	Parry
Barnett	Eggleston	Johnston	Payne
Bernardi	Ellison	Joyce	Ronaldson
Birmingham	Ferguson	Kemp	Scullion
Boswell	Fielding	Lightfoot	Troeth
Boyce	Fierravanti-Wells	Macdonald, Sandy	Trood
Calvert	Fifield	Mason	Watson
Chapman	Fisher	McGauran (Teller)	

Question negatived.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 1, section 346G.

Schedule 1, item 1, section 346G agreed to. All Australian Democrats and Australian Greens senators, by leave, recorded their votes for the noes.

Senator Siewert moved the following amendments together by leave:

Schedule 1, item 1, page 4 (lines 14 to 17), omit all words from and including “346L, and” to and including “section 346L”, substitute “346F”.

Schedule 1, item 1, page 4 (lines 28 and 29), omit the definition of *protected award conditions*.

Schedule 1, item 1, page 5 (lines 25 to 32), omit subsection 346B(2) and the note.

Schedule 1, item 1, page 15 (line 24), omit “protected”.

Schedule 1, item 1, page 15 (line 25), omit “that apply to the employee”, substitute “in the reference award”.

Schedule 1, item 1, page 15 (line 31), omit “protected”.

Schedule 1, item 1, page 15 (lines 31 and 32), omit “that apply to some or all of those employees”, substitute “in the reference award”.

Schedule 1, item 1, page 31 (line 11), omit “**protected**”.

Schedule 1, item 1, page 31 (line 16), omit “a protected award condition”, substitute “award conditions”.

Question—That the amendments be agreed to—put and negatived.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 1, section 346C.

Schedule 1, item 1, section 346C agreed to.

Senator Wong moved the following amendments together by leave:

Schedule 1, item 1, page 15 (line 22), omit “fair compensation”, substitute “full compensation”.

Schedule 1, item 1, page 15 (line 28), omit “fair compensation”, substitute “full compensation”.

Schedule 1, item 1, page 16 (lines 1 and 2), omit “fair compensation”, substitute “full compensation”.

Schedule 1, item 1, page 16 (lines 11 and 12), omit “fair compensation”, substitute “full compensation”.

Schedule 1, item 1, page 16 (lines 22 and 23), omit “fair compensation”, substitute “full compensation”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 31

Senators—

Allison	Forshaw	McEwen	Siewert
Bartlett	Hogg	McLucas	Stephens
Bishop	Hurley	Milne	Sterle
Brown, Bob	Hutchins	Moore	Stott Despoja
Brown, Carol	Kirk (Teller)	Murray	Webber
Crossin	Ludwig	Nettle	Wong
Faulkner	Lundy	O’Brien	Wortley
Fielding	Marshall	Polley	

NOES, 33

Senators—

Abetz	Colbeck	Humphries	Payne
Adams	Coonan	Johnston	Ronaldson
Barnett	Eggleston	Joyce	Scullion
Bernardi	Ellison	Kemp	Troeth
Birmingham	Ferguson	Lightfoot	Trood
Boswell	Fierravanti-Wells	Macdonald, Sandy	Watson
Boyce	Fifield	Mason	
Calvert	Fisher	McGauran (Teller)	
Chapman	Heffernan	Nash	

Question negatived.

Senator Siewert moved the following amendments together by leave:

No. 1—Schedule 1, item 1, page 15 (lines 27 and 28), omit “, on balance, the collective agreement provides fair compensation, in its overall effect on the employees”, substitute “the collective agreement provides fair compensation to each employee”.

No. 2—Schedule 1, item 1, page 16 (lines 1 to 29), omit subsections 346M(2) to (5).

No. 3—Schedule 1, item 1, page 16 (after line 35), after subsection 346M(6), insert:

- (6A) The employer, the employees and their representatives and the unions party to an agreement must be advised of and have the opportunity to verify or refute information provided to the Workplace Authority Director under subsection (6) in relation to the agreement that covers the employer, employees or would bind the union.

No. 4—Schedule 1, item 1, page 16 (line 36) to page 17 (line 6), omit subsection 346M(7), substitute:

- (7) In this section:

fair compensation, in relation to an employee, means the provision of an additional benefit or advantage that:

- (a) is of significant and immediate value (whether financial or otherwise) to the employee; and
- (b) fully compensates the employee for the exclusion or modification of the relevant conditions.

No. 5—Schedule 1, item 1, page 17 (after line 6), after section 346M, insert:

346MA Workplace Authority Director to provide reasons for decisions

- (1) If the Workplace Authority Director makes a decision in accordance with section 346M, the Workplace Authority Director must provide a written statement of reasons for that decision to:
 - (a) the employer in relation to the workplace agreement;
 - (b) if the workplace agreement is an AWA—the employee whose employment is subject to the AWA;
 - (c) if the agreement is a union collective agreement or a union greenfields agreement—the organisation or organisations bound by the agreement.
- (2) A party to a workplace agreement which has been subject to a decision made in accordance with section 346M may appeal to the Federal Magistrates Court for a review of the decision in accordance with the *Administrative Decisions (Judicial Review) Act 1977*.

Debate ensued.

The question was divided—

Question—That amendments nos 1 to 3 be agreed to—put and negatived.

Question—That amendments nos 4 and 5 be agreed to—put and negatived.

Senator Wong moved the following amendments together by leave:

No. 1—Schedule 1, item 1, page 18 (line 26), at the end of subsection 346P(5), add:

- ; and (c) must state the reasons, by reference to the matters referred to in subsection 346M(1), (2), (3) or (4), for the decision of the Workplace Authority Director the subject of the notice.

No. 2—Schedule 1, item 1, page 22 (line 27), at the end of subsection 346U(4), add:

- ; and (c) the reasons, by reference to the matters referred to in subsection 346M(1), (2), (3) or (4), for the decision of the Workplace Authority Director the subject of the notice.

No. 3—Schedule 1, item 1, page 24 (after line 6), after section 346X, insert:

346XA Effect if agreement passes review of fairness test

If:

- (a) a workplace agreement is not in operation at the date of the review decision because of the effect of section 346W or 346R that the agreement did not pass the fairness test; and
- (b) the Workplace Authority Director decides under section 346M on review that the workplace agreement passes the fairness test; the workplace agreement commences operation on the date of issue specified in the notice of the review decision under section 346ZI.

No. 4—Schedule 1, item 1, page 27 (after line 11), after the note to section 346ZB, insert:

Note 2: This section will operate subject to section 346XA.

No. 5—Schedule 1, item 1, page 28 (line 32), at the end of subsection 346ZD(3), add:

- ; (d) if the employee is entitled to compensation because of the operation of Subdivision G in respect of the workplace agreement—the period of 14 days beginning on the date of issue of the notice of the review decision under section 346ZI.

No. 6—Schedule 1, item 1, page 31 (after line 21), at the end of Division 5A, add:

Subdivision G—Review of decision

346ZI Process for review of Workplace Authority Director decision

- (1) If a notice has been provided by the Workplace Authority Director under section 346J, 346P or 346U and a person as defined in subsection (9) disagrees with the decision of the Workplace Authority Director contained in the notice, the person may notify the Workplace Authority Director of his or her objection and the reasons for the objection.
- (2) The Workplace Authority Director must, by notice published in the *Gazette*, set out requirements for the form of a notice to be provided by a person under subsection (1).
- (3) Any objection must be lodged in writing in the required form within 7 days of the date of receipt of the notice of the decision of the Workplace Authority Director.
- (4) A copy of the objection must be provided to the other party or parties to the agreement within 7 days of receipt of the notice of the decision of the Workplace Authority Director.
- (5) If an objection to a decision is lodged with the Workplace Authority Director, the Workplace Authority Director must review the decision and determine whether:
 - (a) under section 346E, the Workplace Authority Director must apply the fairness test to a workplace agreement; or
 - (b) the workplace agreement passes the fairness test in section 346M.

The outcome of the review is the *review decision*.

- (6) In reviewing a decision, the Workplace Authority Director may do all things that the Workplace Authority Director may do in making the original decision.

- (7) The Workplace Authority Director must provide notice of the review decision under section 346J, 346P or 346U to each party to the agreement and each person whose employment is subject to the agreement as at the date of the notice.
- (8) A review decision has effect as if it was a decision under section 346E or 346M except that a person may not notify an objection in respect of a review decision.
- (9) The persons who may disagree with a decision of the Workplace Authority Director are:
- (a) the employer in relation to the workplace agreement; and
 - (b) each person whose employment is subject to the workplace agreement at the date of the notice; and
 - (c) any representative of a person in paragraph (a) or (b), including a registered organisation; and
 - (d) if the workplace agreement is a union collective agreement or a union greenfields agreement—the organisation or organisations bound by the agreement.

No. 7—Schedule 1, item 1, page 32 (after line 9), after paragraph 337(4)(ca), insert:

- (cb) information about the procedure for review of a decision by the Workplace Authority Director about the fairness test as set out in Subdivision G of Division 5 of Part 8 of this Act; and

Debate ensued.

The question was divided—

Question—That amendments nos 1 and 2 be agreed to—put.

The committee divided—

AYES, 33

Senators—

Allison	Faulkner	Marshall	Siewert
Bartlett	Fielding	McEwen	Stephens
Brown, Bob	Forshaw	McLucas	Sterle
Brown, Carol	Hogg	Milne	Stott Despoja
Campbell	Hurley	Moore	Webber (Teller)
Carr	Hutchins	Murray	Wong
Conroy	Kirk	Nettle	
Crossin	Ludwig	O'Brien	
Evans	Lundy	Polley	

NOES, 35

Senators—

Abetz	Coonan	Johnston	Parry
Adams	Eggleston	Joyce (Teller)	Patterson
Barnett	Ellison	Kemp	Payne
Bernardi	Ferguson	Lightfoot	Ronaldson
Birmingham	Fierravanti-Wells	Macdonald, Sandy	Scullion
Boyce	Fifield	Mason	Troeth
Calvert	Fisher	McGauran	Trood
Chapman	Heffernan	Minchin	Watson
Colbeck	Humphries	Nash	

Question negatived.

Question—That amendments nos 3 to 7 be agreed to—put and negatived.

Senator Siewert moved the following amendments together by leave:

Schedule 1, item 1, page 24 (line 17), after “instruments that,” insert “if not an award, pass the fairness test and that,”.

Schedule 1, item 1, page 24 (lines 24 and 25), omit “, to the extent that the designated award contains protected award conditions”.

Schedule 1, item 1, page 25 (line 14), at the end of subsection 346Y(5), add:

; (j) a preserved State agreement;

(k) a notional agreement preserving a State award.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Senator Siewert moved the following amendment:

Schedule 1, item 1, page 26 (lines 18 to 25), omit paragraph 346ZA(2)(b), substitute:

(b) to continue to be so bound until the time when the employee ceases to be employed by the employer.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

Allison
Bartlett
Brown, Bob

Fielding
Milne

Murray
Nettle

Siewert (Teller)
Stott Despoja

NOES, 45

Senators—

Abetz
Adams
Bernardi
Birmingham
Boyce
Brandis
Brown, Carol
Carr
Chapman
Colbeck
Coonan
Crossin

Eggleston
Fierravanti-Wells
Fifield
Fisher
Forshaw
Hogg
Humphries
Hurley
Hutchins
Johnston
Joyce (Teller)
Kemp

Kirk
Lightfoot
Ludwig
Lundy
Macdonald, Sandy
McEwen
McGauran
McLucas
Moore
Parry
Patterson
Payne

Polley
Ronaldson
Stephens
Sterle
Troeth
Trood
Watson
Webber
Wong

Question negatived.

Senator Siewert moved the following amendments together by leave:

Schedule 1, item 1, page 29 (line 30), after paragraph 346ZF(1)(b), insert:
or (c) treat an employee any less favourably;

Schedule 1, item 1, page 29 (lines 31 and 32), omit “the sole or dominant reason for the employer dismissing, or threatening to dismiss,” substitute “one of the reasons for the employer dismissing, or threatening to dismiss or treating less favourably,”.

Schedule 1, item 1, page 30 (lines 7 to 10), omit subsection 346ZF(3).

Question—That the amendments be agreed to—put and negatived.

Senator Wong moved the following amendments together by leave:

Schedule 1, page 36 (after line 3), after item 22, insert:

22A At the end of section 613

Add:

- (2) Notwithstanding the other factors set out in this section or a provision in a workplace agreement or an award, an employee who wishes to attend religious activities on Good Friday must be taken to have reasonable grounds for refusing a request to work on Good Friday.

Schedule 1, page 36 (after line 3), after item 22, insert:

22B At the end of section 613

Add:

- (3) Notwithstanding the other factors set out in this section or a provision in a workplace agreement or an award, an employee who wishes to attend religious activities on Christmas Day must be taken to have reasonable grounds for refusing a request to work on Christmas Day.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 34

Senators—

Allison	Faulkner	Marshall	Siewert
Bartlett	Fielding	McEwen	Stephens
Bishop	Forshaw	McLucas	Sterle
Brown, Bob	Hogg	Milne	Stott Despoja
Brown, Carol	Hurley	Moore	Webber (Teller)
Carr	Hutchins	Murray	Wong
Conroy	Kirk	Nettle	Wortley
Crossin	Ludwig	O'Brien	
Evans	Lundy	Polley	

NOES, 36

Senators—

Abetz	Colbeck	Humphries	Nash (Teller)
Adams	Coonan	Johnston	Parry
Barnett	Eggleston	Joyce	Patterson
Bernardi	Ellison	Kemp	Payne
Birmingham	Ferguson	Lightfoot	Ronaldson
Boswell	Fierravanti-Wells	Macdonald, Sandy	Scullion
Boyce	Fifield	Mason	Troeth
Calvert	Fisher	McGauran	Trood
Chapman	Heffernan	Minchin	Watson

Question negatived.

Senator Wong moved the following amendment:

Schedule 1, page 36 (after line 3), after item 22, insert:

22C At the end of section 613

Add:

- (4) Notwithstanding the other factors set out in this section or a provision in a workplace agreement or an award, an employee who wishes to attend commemorative events on Anzac Day, or to support the

attendance of a member of the employee's family at commemorative events on Anzac Day, must be taken to have reasonable grounds for refusing a request to work on Anzac Day.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 34

Senators—

Allison	Faulkner	Marshall	Siewert
Bartlett	Fielding	McEwen	Stephens
Bishop	Forshaw	McLucas	Sterle
Brown, Bob	Hogg	Milne	Stott Despoja
Brown, Carol	Hurley	Moore	Webber (Teller)
Carr	Hutchins	Murray	Wong
Conroy	Kirk	Nettle	Wortley
Crossin	Ludwig	O'Brien	
Evans	Lundy	Polley	

NOES, 36

Senators—

Abetz	Colbeck	Humphries	Nash (Teller)
Adams	Coonan	Johnston	Parry
Barnett	Eggleston	Joyce	Patterson
Bernardi	Ellison	Kemp	Payne
Birmingham	Ferguson	Lightfoot	Ronaldson
Boswell	Fierravanti-Wells	Macdonald, Sandy	Scullion
Boyce	Fifield	Mason	Troeth
Calvert	Fisher	McGauran	Trood
Chapman	Heffernan	Minchin	Watson

Question negatived.

Senator Murray moved the following amendments together by leave:

Schedule 1, page 4 (after line 4), before item 1, insert:

1A Paragraph 22(1)(a)

After “conduct”, insert “annual”.

Schedule 1, page 4 (after line 4), before item 1, insert:

1C Paragraph 24(1)(a)

Before “the”, insert “subject to paragraph 22(1)(a),”.

Question—That the amendments be agreed to—put and negatived.

Senator Murray moved the following amendment:

Schedule 1, page 4 (after line 4), before item 1, insert:

1B Section 23

Repeal the section, substitute:

23 AFPC's wage-setting parameters

- (1) The objective of the AFPC in performing its wage-setting function is to ensure that a safety net of fair minimum wages and conditions of employment is established and maintained while promoting economic prosperity of the people of Australia, having regard to the following:

- (a) the need to provide fair minimum standards for employees in the context of living standards generally prevailing in the Australian community;
 - (b) the capacity of the unemployed and low paid to obtain and remain in employment;
 - (c) economic factors, including levels of productivity and inflation, desirability of attaining a high level of employment, employment and competitiveness across the economy;
 - (d) relevant taxation and government transfer payments;
 - (e) the needs of the low paid.
- (2) In performing its functions under this Part, the AFPC must have regard to the following:
- (a) the need for any alterations to wage relativities between awards to be based on skill, responsibility and the conditions under which work is performed;
 - (b) the need to support training arrangements through appropriate trainee wage provisions;
 - (c) the need, using a case-by-case approach, to protect the competitive position of young people in the labour market, to promote youth employment, youth skills and community standards and to assist in reducing youth unemployment, through appropriate wage provisions including, where appropriate, junior wage provisions, taking into account:
 - (i) the extent of labour market disadvantage faced by young workers; and
 - (ii) the work value of young workers at different ages; and
 - (iii) the promotion of skills development and training of young workers to reduce their labour market disadvantages; and
 - (iv) the desirability of minimising discrimination on the basis of age in wage rates only to the extent necessary to further these objectives; and
 - (v) the structural efficiency principle; and
 - (vi) that 18 years of age is considered an adult;
 - (d) the need to provide a supported wage system for people with disabilities;
 - (e) the need to apply the principle of equal pay for work of equal value;
 - (f) the need to prevent and eliminate discrimination because of, or for reasons including, race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.
- (3) For the purposes of paragraph (2)(f), trainee wage arrangements are not to be treated as constituting discrimination by reason of age if:
- (a) they apply (whether directly or otherwise) the wage criteria set out in the award providing for the national training wage or wage criteria of that kind; or

- (b) they contain different rates of pay for adult and non-adult employees participating in an apprenticeship, cadetship or other similar work-based training arrangement.

Question—That the amendment be agreed to—put and negatived.

Senator Murray moved the following amendments together by leave:

Schedule 1, page 4 (after line 4), before item 1, insert:

1D Paragraph 103(1)(b)

After “economy” (second occurring), insert “and society”.

Schedule 1, page 4 (after line 4), before item 1, insert:

1E Paragraph 103(2)(b)

After “economy” (second occurring), insert “and society”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Senator Murray moved the following amendments together by leave:

No. 1—Schedule 1, page 4 (after line 4), before item 1, insert:

1F At the end of subsection 151(3)

Add:

- ; and (c) the principle that men and women should receive equal remuneration for work of equal value.

No. 2—Schedule 1, page 4 (after line 4), before item 1, insert:

1G After Subdivision G of Division 2 of Part 7

Insert:

Subdivision GA—Indexation of minimum wage

200A Indexation of minimum wage

- (1) This Subdivision provides for the indexation of the minimum wage, in line with the Consumer Price Index, to start on commencement of this section.
- (2) The indexation factor is to be worked out in accordance with section 1193 of the *Social Security Act 1991*.
- (3) The rounding off of indexed amounts is to be worked out in accordance with section 1194 of the *Social Security Act 1991*.

No. 3—Schedule 1, page 4 (after line 4), before item 1, insert:

1H After subsection 226(4)

Insert:

Unreasonable hours

- (4A) An employee must not be requested or required by an employer to work unreasonable hours, whether as additional hours or otherwise.
- (4B) For the purpose of subsection (4A), the factors to be taken into account in determining whether hours are unreasonable include:
 - (a) any risk to the health and safety of the employee, other employees, customers or clients; and

Note: For purposes of this paragraph, an example is where truck drivers or doctors in hospitals are given unreasonable hours that endanger the health and safety of others.

- (b) the employee's personal circumstances (including family responsibilities); and
- (c) any notice given by the employer of the requirement or request to work the hours in question.

Note: For example, hours may be unreasonable because the employee is asked to work excessively long hours, or an unreasonably short shift, or shifts broken by an unreasonably short period, or at unreasonably short notice.

No. 4—Schedule 1, page 4 (after line 4), before item 1, insert:

1I Subsection 337(4)

Repeal the subsection, substitute:

- (4) The information statement mentioned in subsection (2) and paragraph (3)(a) must contain:
 - (a) information about the time at which and the manner in which the approval will be sought under section 340; and
 - (b) if the agreement is an AWA—information about the effect of section 334 (which deals with bargaining agents); and
 - (c) if the agreement is an employee collective agreement—information about the effect of section 335 (which deals with bargaining agents); and
 - (d) must be appropriate, having regard to the person's particular circumstances and needs, especially if the employee(s) whose employment will be covered by the agreement are women, persons from a non-English speaking background or young persons; and
 - (e) any other information that the Employment Advocate requires by notice published in the *Gazette*.

No. 5—Schedule 1, page 4 (after line 4), before item 1, insert:

1J Subsection 400(6)

Repeal the subsection, substitute:

- (6) To avoid doubt, an employer is considered to have applied duress to an employee for the purposes of subsection (5) if the employer requires the employee to make an AWA with the employer as a condition of engagement.

The question was divided—

Question—That amendment no. 1 be agreed to—put and negatived.

Question—That amendment no. 2 be agreed to—put and negatived.

Question—That amendment no. 3 be agreed to—put and negatived.

Question—That amendment no. 4 be agreed to—put and negatived.

Question—That amendment no. 5 be agreed to—put.

The committee divided—

AYES, 33

Senators—

Allison	Faulkner	McEwen	Siewert
Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Brown, Carol	Hutchins	Murray	Webber
Carr	Kirk (Teller)	Nettle	Wortley
Conroy	Ludwig	O'Brien	
Crossin	Lundy	Polley	
Evans	Marshall	Sherry	

NOES, 37

Senators—

Abetz	Coonan	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Kemp	Ronaldson
Bernardi	Ferguson	Lightfoot	Scullion
Birmingham	Fielding	Macdonald, Sandy	Troeth
Boswell	Fierravanti-Wells	Mason	Trood
Boyce	Fifield	McGauran	Watson
Calvert	Fisher	Minchin	
Chapman	Heffernan	Nash (Teller)	
Colbeck	Humphries	Parry	

Question negatived.

Senator Siewert moved the following amendments together by leave:

Schedule 2, page 61 (after line 10), at the end of Division 2, add:

Social Security Act 1991

31A Paragraph 502(4)(e)

After “applicable statutory conditions”, add “and would not pass the fairness test under Division 5A of the *Workplace Relations Act 1996*”.

Schedule 2, page 61 (after line 10), at the end of Division 2, add:

31B Paragraph 541D(1)(e)

After “applicable statutory conditions”, add “and would not pass the fairness test under Division 5A of the *Workplace Relations Act 1996*”.

Schedule 2, page 61 (after line 10), at the end of Division 2, add:

31C After subsection 629(1B)

Insert:

(1C) Without limiting the matters to be taken into account for the purposes of paragraph (1)(d), a refusal to accept an offer of employment that is conditional on signing an AWA which would not pass the fairness test under Division 5A of the *Workplace Relations Act 1996* constitutes a reasonable excuse to refuse an offer of employment.

Schedule 2, page 61 (after line 10), at the end of Division 2, add:

31D Paragraph 731B(1)(e)

After “applicable statutory conditions”, add “and would not pass the fairness test under Division 5A of the *Workplace Relations Act 1996*”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 9

Senators—

Allison	Fielding	Murray	Siewert (Teller)
Bartlett	Milne	Nettle	Stott Despoja
Brown, Bob			

NOES, 55

Senators—

Adams	Crossin	Joyce	Patterson
Barnett	Eggleston	Kemp	Payne
Bernardi	Ellison	Kirk	Polley
Birmingham	Faulkner	Ludwig	Ronaldson
Bishop	Ferguson	Lundy	Scullion
Boswell	Fierravanti-Wells	Mason	Sherry
Boyce	Fifield	McEwen	Stephens
Brown, Carol	Fisher	McGauran	Sterle
Calvert	Forshaw	McLucas	Troeth
Carr	Hogg	Minchin	Trood
Chapman	Humphries	Moore	Watson
Colbeck	Hurley	Nash (Teller)	Webber
Conroy	Hutchins	O'Brien	Wortley
Coonan	Johnston	Parry	

Question negatived.

After 10 pm: The President resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

23 **ADJOURNMENT**

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate continued to sit till midnight—
WEDNESDAY, 20 JUNE 2007 AM

Debate continued.

The Senate adjourned at 12.09 am till Wednesday, 20 June 2007 at 9.30 am.

24 ATTENDANCE

Present, all senators except Senator Ian Macdonald.

HARRY EVANS
Clerk of the Senate