

2004-2005

The Parliament of the  
Commonwealth of Australia

THE SENATE

## Workplace Relations Amendment (Work Choices) Bill 2005

*(Amendments to be moved by Senator Murray on behalf of the Australian Democrats in Committee of the whole to Government amendments (Sheet Number PN 271))*

- (1) Amendment to Government amendment (160), page 31, Sheet Number PN271, after paragraph (k), insert:
  - (ka) whether the employee has previously been paid penalty rates by the employer and no longer will be paid penalty rates;  
***[reasonableness of refusal]***
  
- (2) Amendment to Government amendment (164), page 34, Sheet Number PN271, omit subsection 170CE(5E), insert:
  - (5EA) For the purposes of calculating the number of employees employed by an employer as mentioned in subsection (5E), bodies are taken to be one entity if:
    - (a) they are related bodies corporate (within the meaning of section 50 of the *Corporations Act 2001*); or
    - (b) they carry on a business, project or undertaking as a joint venture or common enterprise.  
***[anti-avoidance mechanism]***