

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2005-2006 BUDGET ESTIMATES HEARING

Outcome: 2
Output Group: 2.4 – Funding for Higher Education

DEST Question No. E414_06

Senator Carr provided in writing.

Question:

Please provide details, including precise references to the relevant clauses, of all enterprise agreements between Australian higher education institutions and the relevant unions, or other parties that preclude the use of Australian Workplace Agreements, or the offering of such agreements, to the employees covered by the agreements or any other employees.

Please advise the Committee of any advice that DEST has received from DEWR to the effect that one or more unions, representing employees of a higher education provider that is subject to the HEWRRs, is precluded from being consulted about the content of the AWAs offered to employees or the circumstances in which AWAs are offered.

Please advise the Committee whether HESA or the HEWRRs preclude or restrict a higher education provider that is subject to the regulations from consulting any outside party or individual, or specific outside parties or individuals, about the proposed content of AWAs or the manner in which they are offered. Please indicate which of the HEWRRs and/or which sections of HESA makes such a restriction or preclusion. If specified parties or individuals are restricted or precluded from being consulted, please list which persons and entities are so restricted and precluded. Please also provide a rationale for the restrictions or preclusions.

Answer:

Higher Education Workplace Relations Requirements

The Department is aware of one enterprise agreement between an Australian Higher Education institution and other parties that precludes the use or offering of Australian Workplace Agreements to employees covered by the agreement or other employees. The Batchelor Institute of Indigenous Tertiary Education Enterprise Agreement 2003 precludes the offering of Australian Workplace Agreements to employees in Clause 37, page 42.

The Higher Education Workplace Relations Requirements provide that the involvement of third parties representing employees must only occur at the request of an affected employee.

Neither the *Higher Education Support Act 2003* nor the Higher Education Workplace Relations Requirements prevent employee representatives, including unions, from being appointed by an employee as the employee's bargaining agent in accordance with the *Workplace Relations Act 1996* to negotiate that individual employee's Australian Workplace Agreement.