

2002

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Workplace Relations Amendment
(Award Simplification) Bill 2002**

No. , 2002

(Employment and Workplace Relations)

A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes

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1 **A Bill for an Act to amend the *Workplace Relations***
2 ***Act 1996, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Workplace Relations Amendment*
6 *(Award Simplification) Act 2002*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, on the day or at the
10 time specified in column 2 of the table.
11

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	
2. Schedule 1	A single day to be fixed by Proclamation, subject to subsection (3)	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by the Parliament and assented to. It will not be expanded to
3 deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table is for additional information that is not part
5 of this Act. This information may be included in any published
6 version of this Act.

7 (3) If a provision covered by item 2 of the table does not commence
8 within the period of 6 months beginning on the day on which this
9 Act receives the Royal Assent, it commences on the first day after
10 the end of that period.

11 **3 Schedule(s)**

12 Each Act that is specified in a Schedule to this Act is amended or
13 repealed as set out in the applicable items in the Schedule
14 concerned, and any other item in a Schedule to this Act has effect
15 according to its terms.

1
2 **Schedule 1—Workplace Relations Act 1996**

3 **Part 1—Amendments**

4 **1 Paragraph 89A(2)(a)**

5 Omit “and skill-based career paths”.

6 **2 Paragraph 89A(2)(d)**

7 Omit “, piece rates and bonuses”, substitute “and piece rates”.

8 **3 Paragraph 89A(2)(f)**

9 Repeal the paragraph.

10 **4 Paragraph 89A(2)(g)**

11 Omit all the words after “bereavement”, substitute “leave and
12 compassionate leave”.

13 **5 After paragraph 89A(2)(g)**

14 Insert:

- 15 (ga) ceremonial leave for Aboriginal and Torres Strait Islander
16 people, and other like forms of leave, to meet cultural
17 obligations;

18 **6 Paragraph 89A(2)(i)**

19 Repeal the paragraph, substitute:

- 20 (i) observance of days declared by the Government of a State or
21 Territory to be observed generally within that State or
22 Territory, or a region of that State or Territory, as public
23 holidays by employees who work in that State, Territory or
24 region, and entitlements of employees to payment in respect
25 of those days;

26 **7 Paragraph 89A(2)(j)**

27 Repeal the paragraph, substitute:

- 28 (j) monetary allowances for:
29 (i) expenses incurred in the course of employment; or

- 1 (ii) responsibilities or skills that are not taken into account
2 in rates of pay for employees; or
3 (iii) disabilities associated with the performance of particular
4 tasks or work in particular conditions or locations;

5 **8 Paragraph 89A(2)(m)**

- 6 Repeal the paragraph, substitute:
7 (m) payments in relation to a termination that is:
8 (i) on the initiative of the employer; and
9 (ii) on the grounds of operational requirements;

10 **9 Paragraph 89A(2)(n)**

11 Repeal the paragraph.

12 **10 Paragraph 89A(2)(q)**

13 Repeal the paragraph.

14 **11 After paragraph 89A(2)(s)**

- 15 Insert:
16 (sa) bonuses for outworkers;

17 **12 Paragraph 89A(2)(t)**

18 After “pay” (first and second occurring), insert “(other than bonuses)”.

19 **13 At the end of subsection 89A(3)**

20 Add “that provides for basic minimum entitlements”.

21 **14 After subsection 89A(3)**

- 22 Insert:
23 *Matters that are not allowable award matters*
24 (3A) Matters that are not covered by subsection (2) include, but are not
25 limited to, the following:
26 (a) transfers between locations;
27 (b) training or education (except in relation to leave and
28 allowances for trainees or apprentices);

- 1 (c) recording of the hours employees work, or the times of their
2 arrival or departure from work;
- 3 (d) payments of accident make up pay by employers;
- 4 (e) rights of an organisation of employers or employees to
5 participate in, or represent, the employer or employee in the
6 whole or part of a dispute settling procedure, unless the
7 organisation is the representative of the employer's or
8 employee's choice;
- 9 (f) transfers from one type of employment to another type of
10 employment;
- 11 (g) the number or proportion of employees that an employer may
12 employ in a particular type of employment or in a particular
13 classification;
- 14 (h) prohibitions (directly or indirectly) on an employer
15 employing employees in a particular type of employment or
16 in a particular classification;
- 17 (i) the maximum or minimum hours of work for regular
18 part-time employees.

19 **15 Subsection 89A(4)**

20 Repeal the subsection.

21 **16 Subsection 89A(5)**

22 Omit "(4)(b)", substitute "(3A)(i)".

23 Note: The following heading to subsection 89A(5) is inserted "*Other provisions that the*
24 *Commission may include in an award*".

25 **17 Subsection 89A(6)**

26 Omit all the words after "incidental", substitute "to an allowable award
27 matter provided for in the award and are essential for the purpose of
28 making a particular provision operate in a practical way".

29 **18 After subsection 89A(6)**

30 Insert:

31 (6A) The Commission may include machinery provisions in awards,
32 such as definitions, titles and commencement provisions.

33 **19 After subsection 89A(8)**

1 Insert:

2 *Provisions permitted by section 113A and subsection 143(1C)*

3 (8A) Nothing in this section prevents the Commission from including in
4 an award provisions that are permitted by section 113A and
5 subsection 143(1C).

6 **20 Subsection 113A(2)**

7 Repeal the subsection.

8 **21 Subsection 120A(4)**

9 Omit “, unless the order relates to a single business (within the meaning
10 of Part VIB)”.

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2 **Part 2—Application and transitional provisions**

3 **22 Application of Part 1**

4 The amendments made by Part 1 apply in relation to:

- 5 (a) an industrial dispute that the Commission began to deal with
6 before the commencement of this Schedule; and
7 (b) an industrial dispute that the Commission begins to deal with
8 after the commencement of this Schedule.

9 **23 Transitional provision—review of awards**

- 10 (1) Within 12 months after the commencement of this Schedule, the
11 Commission must review all awards for the purpose of determining
12 whether the awards contain provisions that may no longer be included
13 because of the amendments made to section 89A of the *Workplace*
14 *Relations Act 1996* by Part 1 of this Schedule.
- 15 (2) The Commission may review awards for this purpose at the same time
16 as reviewing them for other purposes.
- 17 (3) The Commission may, after considering appropriate alternatives, vary
18 an award to remove provisions that may no longer be included in
19 awards because of the amendments made to section 89A of the
20 *Workplace Relations Act 1996* by Part 1 of this Schedule.
- 21 (4) Any provision that is contained in an award and that may no longer be
22 included in an award because of the amendments made to section 89A
23 of the *Workplace Relations Act 1996* by Part 1 of this Schedule ceases
24 to have effect at the end of 12 months after the commencement of this
25 Schedule.
- 26 (5) After the end of the period mentioned in subitem (4), the Commission
27 may vary any award to remove any provisions that have ceased to have
28 effect because of that subitem.