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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**WORKPLACE RELATIONS AMENDMENT (CHOICE IN  
AWARD COVERAGE) BILL 2002**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on Behalf of the Government

(Circulated by authority of the Minister for Employment and  
Workplace Relations, the Honourable Kevin Andrews MP)

## **WORKPLACE RELATIONS AMENDMENT (CHOICE IN AWARD COVERAGE) BILL 2002**

### **OUTLINE**

The Bill as introduced proposes amendments to Part VI (Dispute Prevention and Settlement) and Part IX (Registered Organisations) of the *Workplace Relations Act 1996* to change the provisions concerning the extension of federal awards to additional employers. The process of extending award coverage is sometimes referred to as 'roping-in'.

The Bill as introduced is intended to:

- provide all businesses with more information about their rights regarding, and the processes involved with, roping-in claims;
- restrain the ability of unions to rope-in small businesses which employ no union members to the federal jurisdiction; and
- require the Commission to inquire into the views of unrepresented small business employers potentially affected by a roping-in claim.

The Government is proposing technical amendments to Schedule 1 of the Bill.

The need for the amendments arises from the enactment of the *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations)(Consequential Provisions) Act 2002*. That Act repealed Division 12 of Part IX, with effect from 12 May 2003.

As item 3 of the Bill as introduced inserted a new section in Division 12 of Part IX, technical amendments are required to renumber and reposition the new section.

### **FINANCIAL IMPACT STATEMENT**

The Bill has no financial impact on the Commonwealth Budget.

## **NOTES ON AMENDMENTS**

**Amendment No 1** – Schedule 1, item 2, page 5 (after line 2), after section 101B, insert:

The Bill as introduced proposes that businesses receive more information about applications by unions to extend award coverage to them. In particular, the Bill would restrict the capacity of unions to extend award coverage to small business employers that do not employ union members.

As part of this process, item 3 of the Bill as introduced would insert new section 290A. The new section would give a Registrar of the Australian Industrial Relations Commission the power to issue a certificate stating that an employee of a small business is a member of a particular organisation, without identifying the employee.

This technical amendment proposes to replicate new section 290A, and renumber it as section 101C.

Instead of being inserted in Division 12 of Part IX, section 101C is proposed to be included in Part VI (Dispute Prevention and Settlement). The new section would now appear immediately after the other operative provisions in the Bill.

**Amendment No 2** – Schedule 1, item 3, page 5 (lines 3 – 14), omit the item

This amendment is consequent on amendment No 1, and proposes the removal of item 3 of the Bill as introduced.