



Australian Education Union

Federal Office

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4 June 2007

John Carter
Committee Secretary
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Carter,

**Re : Submission to the Inquiry into Workplace Relations Amendment
(A Stronger Safety Net) Bill 2007**

The Australian Education Union represents 170,000 teachers and allied educators working in preschools, schools and TAFE colleges in all states and territories of Australia. The AEU endorses the submission provided to the present Inquiry by the Australian Council of Trade Unions and opposes the Bill on the grounds that it does not achieve its stated objectives.

In particular, when looking at “a stronger safety net” the Bill applies only to employees making agreements after May 7, 2007 and who earn less than \$75,000 per annum. A significant proportion of the education workforce is excluded from the “fairness test” due to their earnings, full or part time, which is discriminatory. Why should some employees be protected from unfairness but not others on the basis of their level of salary and advancement within the teaching profession?

More significantly, the Bill excludes those employees whose employment was underpinned by a State award prior to the passage of the “WorkChoices” amendments in March 2006. This is due to the requirement (S346K) for the person to be “usually regulated by an award” defined in S 4(1) as a federal award.

An amendment (S52AAA) to Schedule 8 to deal with this problem operates if the agreement in question was preceded by a notional agreement preserving State awards (NAPSA). That does not protect many teachers and allied educators working in state systems of education, because pursuant to S31 of Schedule 8 of the Workplace Relations Act, the existence of a State employment agreement prevented a NAPSA coming into operation. State employment agreements apply to all AEU members other than those in Victoria and the federal territories.

Neither can the Workplace Authority Director “designate” an award for the purpose in most states because S346K(2)(i) requires the Director to be satisfied that the employee is in a class “usually regulated by a (Federal) award.”

The majority of the members of the AEU are thus not provided with any protection from the operation of unfair employment agreements by the Bill under consideration. For these reasons the AEU does not support the passage of the Bill in its current form.

A handwritten signature in black ink that reads "Susan Hopgood". The signature is written in a cursive style with a period at the end.

Susan Hopgood
Federal Secretary