Fair Work Bill 2008

(Government)

(1) Clause 174, page 165 (after line 12), at the end of the clause, add:

Regulations may prescribe additional content and form requirements etc.

(6) The regulations may prescribe other matters relating to the content or form of the notice, or the manner in which employers may give the notice to employees.

[notices of representational rights]

(2) Clause 176, page 166 (line 28), after “agreement”, insert “, or has revoked the status of the organisation as his or her bargaining representative for the agreement under subsection 178A(2)”.[bargaining representatives]

(3) Clause 176, page 167 (line 21), at the end of subclause (2), add:

; or (f) the employee has revoked the status of the organisation as his or her bargaining representative for the agreement under subsection 178A(2).[bargaining representatives]

(4) Page 169 (after line 8), after clause 178, insert:

178A Revocation of appointment of bargaining representatives etc.

(1) The appointment of a bargaining representative for an enterprise agreement may be revoked by written instrument.

(2) If a person would, apart from this subsection, be a bargaining representative of an employee for an enterprise agreement because of the operation of paragraph 176(1)(b) or subsection 176(2) (which deal with employee organisations), the employee may, by written instrument, revoke the person’s status as the employee’s bargaining representative for the agreement.
(3) A copy of an instrument under subsection (1) or (2):
   (a) for an instrument made by an employee who will be covered by the agreement—
       must be given to the employee’s employer; and
   (b) for an instrument made by an employer that will be covered by a proposed
       enterprise agreement—must be given to the bargaining representative and, on
       request, to a bargaining representative of an employee who will be covered by the
       agreement.

(4) The regulations may prescribe matters relating to the content or form of the instrument of
    revocation, or the manner in which the copy of the instrument may be given.

[bargaining representatives]

(5) Clause 179, page 169 (lines 9 to 19), to be opposed.

[good faith bargaining]

(6) Clause 186, page 176 (lines 3 to 8), omit subclause (3), substitute:

   (3) FWA must be satisfied that the group of employees covered by the agreement was fairly
       chosen.

   (3A) If the agreement does not cover all of the employees of the employer or employers
       covered by the agreement, FWA must, in deciding whether the group of employees
       covered was fairly chosen, take into account whether the group is geographically,
       operationally or organisationally distinct.

[fairly chosen]

(7) Clause 228, page 207 (after line 19), at the end of subclause (1), add:

   ; (f) recognising and bargaining with the other bargaining representatives for the
   agreement.

[good faith bargaining]

(8) Clause 229, page 209 (lines 6 to 10), omit subclause (5), substitute:

   (5) FWA may consider the application even if it does not comply with paragraph (4)(b) or (c)
       if FWA is satisfied that it is appropriate in all the circumstances to do so.

[good faith bargaining]

(9) Clause 237, page 215 (lines 8 to 11), omit paragraph (2)(c), substitute:

   (c) that the group of employees who will be covered by the agreement was fairly
       chosen; and

[fairly chosen]

(10) Clause 237, page 215 (after line 16), after subclause (3), insert:

   (3A) If the agreement will not cover all of the employees of the employer or employers
       covered by the agreement, FWA must, in deciding for the purposes of paragraph (2)(c)
       whether the group of employees who will be covered was fairly chosen, take into account
       whether the group is geographically, operationally or organisationally distinct.

[fairly chosen]

(11) Clause 238, page 216 (lines 23 to 26), omit paragraph (4)(c), substitute:

   (c) that the group of employees who will be covered by the agreement proposed to be
       specified in the scope order was fairly chosen; and

[fairly chosen]
(12) Clause 238, page 216 (after line 27), after subclause (4), insert:

Matters which FWA must take into account

(4A) If the agreement proposed to be specified in the scope order will not cover all of the employees of the employer or employers covered by the agreement, FWA must, in deciding for the purposes of paragraph (4)(c) whether the group of employees who will be covered was fairly chosen, take into account whether the group is geographically, operationally or organisationally distinct.

[fairly chosen]

(13) Clause 539, page 430 (table item 5), omit the table item.

[good faith bargaining]