2010-2011-2012-2013

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Fair Work Amendment Bill 2013

(Amendments to be moved by Mr Katter)

(1) Clause 2, page 2 (after table item 10), insert:

10A. Schedule 5, item 4

The day after this Act receives the Royal Assent.

[commencement]

(2) Schedule 5, page 29 (after line 14), at the end of the Schedule, add:

4 At the end of Subdivision B of Division 3 of Part 5-1

Add:

595A Conciliation and arbitration of disputes

(1) Despite any other provision of this Act but without limitation, the FWC may deal with a dispute in the following way:

(a) in the first 3 months of the dispute—by fixing a date to begin conciliation;
(b) in the 3 months following the date fixed to begin conciliation—by conciliation;
(c) after the end of the period referred to in paragraph (b)—by arbitration (including by making any orders it considers appropriate) on application by:

(i) an employee who is a party to the dispute; or
(ii) an organisation that is entitled to represent the industrial interests of such an employee.

(2) On application in accordance with paragraph (1)(c), the FWC:

(a) may arbitrate the dispute; and
(b) must arbitrate the dispute if arbitration by the FWC is agreed to by:

(i) a majority of the employees who are parties to the dispute, by a voting method approved by the FWC; and
(ii) any organisations entitled to represent the industrial interests of those employees.
(3) On request by an employee who is a party to the dispute or an organisation that is entitled to represent the industrial interests of such an employee, the FWC may, but is not required to:

(a) consider; and

(b) approve or refuse to approve;

a voting method for the purposes of subparagraph (2)(b)(i).

[conciliation and arbitration of disputes affecting minimum wage employees]