



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**WORKPLACE RELATIONS AMENDMENT  
REGULATIONS 2000 (NO. 3)**

**SPEECH**

**Wednesday, 27 June 2001**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Wednesday, 27 June 2001  
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**Questioner**  
**Speaker** Murray, Sen Andrew

**Source** Senate  
**Proof** No  
**Responder**  
**Question No.**

**Senator MURRAY** (Western Australia) (3.48 pm)—by leave—I just need to put down our reasons for supporting the Labor Party in this disallowance motion. This regulation, introduced in 1997, continues the lodgment of \$50 filing fees for termination of employment applications. The filing fee is instrumental in the discouragement of frivolous and vexatious claims and ensures that genuine termination of employment applications are dealt with efficiently. The Australian Democrats support the \$50 lodgment fee but have previously disallowed an attempt to increase it. Previous regulations have always included the sunset clause, usually in 12-month increments, but most recently until 31 December 2003. Therefore the current regulation will survive until then. This new regulation gets rid of the sunset clause.

This has been done as a result of a request from the Senate Standing Committee on Regulations and Ordinances. The Committee was concerned with the repeated changes to the sunset date in regulation 30BD. The sunset clause was put into these regulations as a result of the following, and I quote from the *Hansard* of 19 June 2000:

As part of the agreement between the Government and the Australian Democrats, the Government undertook to review the operation of the lodgment fee, as part of a broader review of the unfair dismissal provisions of the Workplace Relations Act 1996 (the broader review was conducted pursuant to More Time for Business, the Government's response to Time for Business, the Report of the Small Business Deregulation Task Force). The sunset period was extended to 31 December 1998 (by SR 1998 No. 101) after it became apparent that the review would not be completed by 30 June 1998.

I am provided with monthly figures on unfair dismissals, and I have in the past asked for figures on fees that are waived. Strictly speaking, a review has not occurred in the manner originally proposed. However, the bill currently before the Senate and other failed bills have included review type commentary on the unfair dismissal provisions. I suggest to the Senate that I have been remiss in not asking the government to conduct such a review. As soon as they do conduct such a review, the Australian Democrats would support the removal of the sunset provision. For the purposes at present, we do support Labor in the disallowance, because that review has not occurred. I thank the Senate.