

The Hon Adam Hatcher SC
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Dear Hon Adam Hatcher SC

Subject: Response to the President's Statement of Principles

You have invited responses to your Statement of the 30 January 2023, with respect to aspects of the **Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022**.

More particularly you are seeking submissions from employer groups and employee groups on the Discussion paper: statement of principles on genuine agreement, issued on 6 February.

I also confirm your indulgence to allow me to address your Full Bench, Fair Work Commission Conference Hearing on 15 February 2023.

It is not my intention to provide a comprehensive response to your Statement but merely to restate some principles which APTIA's believes could be considered when finalising the Statement of Principles.

The Australian Public Transport Industrial Association

I am sure you are aware that the Australian Public Transport Industrial Association (APTIA) is the industrial arm of the Bus Industry Confederation (BIC), which is the peak national body, representing bus and coach operators across the country, along with bus and coach chassis suppliers and bus and coach body manufacturers. There are an estimated forty thousand (40,000) employees, who are employed by members of BIC or members of their respective State Associations.

APTIA has been a registered organisation since January 2011 and is subject to the Fair Work (Registered Organisations) Act 2009. APTIA has members comprising six State Bus and Coach associations, along with large public transport, who operate across Australia and urban



transport operators, operating in their various States and territories. APTIA is a small employer organisation and has a small secretariat. Its membership however stretches across the bus and coach industry within Australia.

The membership has a significant section which relies upon enterprise agreement bargaining, whilst, in the smaller States of South Australia and Tasmania, there is a greater reliance upon the Award system. APTIA's State Association members have worked collectively with the Transport Workers Union for many years to negotiate, originally, State Awards and with the introduction of the Fair Work Act 2009, enterprise agreements.

Summary of APTIA's position

APTIA supports the principles enunciated in the discussion paper and would add the following comments.

- (i) The principles upon which future Enterprise Agreements could be approved should not be overly prescriptive, which appears to be one of the basis for the Fair Work Act amendments. The Parliament has legislated general criteria (Section 188 (a)) from which the Commission can be satisfied that the parties will have reached a genuine agreement. These principles, already enunciated, should be supported in full.
- (ii) In circumstances where a Registered Employer Organization represents employers and there is also, a recognized Trade Union membership, representing employees, the Commission should take significant notice of both parties' representatives in satisfying itself that the principles have been met.
- (iii) Minor errors in the application documents or in the processes outlined in the principles should not hold up the approval process.
- (iv) The Commission should be able to use a broad discretion, having satisfied itself through requisitions or preferably conferencing with the parties to satisfy itself of the genuine nature of negotiations and agreement.

Yours faithfully



Ian MacDonald, National Industrial Relations Manager

