

# WHO MADE SUBMISSIONS TO THE PRODUCTIVITY COMMISSION?

23 March 2015 | Australia, Brisbane, Melbourne, Perth, Sydney  
Legal Briefings

---

Public submissions closed on 13 March 2015.

## WHAT WERE THE COMMON THEMES?

The Commission reports that 141 public submissions were received from interested parties, which included large national employer groups, industrial associations, peak industry bodies, government bodies, small business owners, consultants, academics and aggrieved individuals.

A number of private submissions were also made, but not published on the Commission's website. Nine union entities publically made submissions as part of the broad inquiry, including The Australian Workers' Union, Australian Education Union, Queensland Council of Unions, Queensland Nurses' Union, Community and Public Sector Union SPSF Group, Unions WA, Maritime Union of Australia, National Union of Workers and Australian Services Union. Roughly 75% of the Unions' submissions touched on employee protections, in particular, general protections and unfair dismissal provisions. Around half of the submissions focused on safety nets, including minimum wages and penalty rates. Other key players who made submissions included Rio Tinto, BHP Billiton, Asciano, Qube Ports & Bulk, Australian Human Resources Institute, Qantas, Origin Energy and Police Federation of Australia.

The most common issue raised in the public submissions related to safety net arrangements (62%), and in particular, penalty rates. Other key concerns addressed by interested parties related to enterprise bargaining and employee protections, with around 37% and 30% of submissions addressing this issue, respectively.

Major employer, Qantas has focused heavily on the content of enterprise bargaining in its submissions. Qantas submitted that there should not be an express requirement for parties to bargain in respect of productivity. Qantas has also called for changes to laws around making comments about threatened industrial action. Similarly, the media has reported that BHP Billiton advocated for a suite of changes to be made to workplace relations, with a strong focus on bargaining and industrial action. Other large employers, including Asciano and Rio Tinto advocated for, amongst other things, greater power to be given to the Fair Work Commission.

Although not publically available, the media has reported that major employer group, the Australian Hotels Association has called for an economic review of penalty rates. Similarly, the Victorian Employers' Chamber of Commerce and Industry has advocated for changes to safety net provisions (including penalty rates). Other industry associations, such as the Australian Industry Group (**AI Group**) raised concerns in respect of the awards system and penalty rates. It is understood that AI Group also called for changes to enterprise bargaining, long service leave requirements and employee protections.

Similarly, Clubs Australia Industrial raised concerns in respect of penalty rates, and called on changes to enterprise bargaining provisions, and employee protections to deal more effectively with 'unmeritorious' claims.

A draft report will be prepared in July, and the final report will be submitted in November.



## KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



### **NICHOLAS OGILVIE**

PARTNER,  
MELBOURNE

+61 3 9288 1380 | +61 2 9225  
5708

Nicholas.Ogilvie@hsf.com

---

## LEGAL NOTICE

The contents of this publication are for reference purposes only and may not be current as at the date of accessing this publication. They do not constitute legal advice and should not be relied upon as such. Specific legal advice about your specific circumstances should always be sought separately before taking any action based on this publication.

© Herbert Smith Freehills 2022

---

**SUBSCRIBE TO STAY UP-TO-DATE WITH INSIGHTS, LEGAL UPDATES, EVENTS, AND MORE**

Close