

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

STEVEDORING INDUSTRY LEGISLATION AMENDMENT BILL 1990

EXPLANATORY MEMORANDUM

(Circulated on the authority of the Minister for Industrial
Relations, Senator Peter Cook)



STEVEDORING INDUSTRY LEVY AMENDMENT BILL 1990

OUTLINE

This Bill is introduced in conjunction with the Stevedoring Industry Legislation Amendment Bill 1990. It proposes amendments to the Stevedoring Industry Levy Act 1977 (the Act).

An amendment is proposed to ensure that the general levy imposed on stevedoring employers is imposed at prescribed rates per labour-hour of employment in respect of the employment of Division A waterside workers and Division B waterside workers.

Amendments are also proposed to ensure that the special levies on employment of waterside workers in relation to bulk loading and unloading of cargoes and loading and unloading of local cargo are such amounts per worker-hour as are prescribed.

The Bill proposes arrangements for the phasing out of part of the general levy - that part imposed in respect of Division B waterside workers. This will be done when the Minister is satisfied that appropriate new employment arrangements have been entered into by unions and employers in the various ports.

Financial Impact Statement

Due to the nature of the legislative scheme concerned, there is neither an adverse nor positive financial impact on the Commonwealth due to these amendments.

NOTES ON CLAUSES

Clause 1 - Short title

Provides the short title of the Act.

Clause 2 - Principal Act

This clause defines the term "Principal Act" in the Bill to mean the Stevedoring Industry Levy Act 1977 (the Act).

Clause 3 - Rate of levy referred to in paragraph 4(1)(a)

This clause repeals and replaces section 5 of the Act. Section 5 provides the rate of general levy in respect of the employment of waterside workers. It specifies a money sum but provides for this to be altered by prescription. The current rate is prescribed.

Proposed section 5 would provide for the rates of general levy per worker-hours of employment of Division A and Division B waterside workers to be prescribed by regulation. A Division A waterside worker is one who is employed on a weekly hiring basis. A Division B waterside worker is, with certain exceptions, any other kind of waterside worker. The terms Division A waterside worker, Division B waterside worker and waterside worker are defined in sub-section 3(1) of the Act.

Clause 4 - Rate of levy referred to in paragraph 4(1)(b)

This clause repeals and replaces section 6 of the Act.

Proposed section 6 provides that the rate of special levy under section 4(1)(b) is to be as prescribed by regulation according to the number of "worker-hours" of work performed by waterside workers in connection with bulk loading or unloading of ships.

Clause 5 Rate of Levy Referred to in paragraph 4(1)(c)

This clause repeals and replaces section 7 of the Act.

Proposed section 7 provides that the rate of special levy for local cargo under paragraph 4(1)(c) is to be prescribed by regulations on a tonnage basis.

Clause 6 - Rate of levy referred to in paragraph 4(1)(d)

This clause repeals and replaces section 8 of the Act.

Proposed section 8 provides that the rate of special levy for overseas cargo under paragraph 4(1)(d) is to be prescribed by regulations on a tonnage basis.

Clause 7 - Phasing out of general levy

This clause includes a new section 9A in the Act which provides for the phasing out of the general levy imposed under

section 4(1)(a) in respect of the employment of Division B waterside workers.

The Minister is empowered, under section 9A(1), to notify a "finishing date" in the Gazette from which time the general levy imposed on employers of Division B waterside workers within a particular port is no longer payable. Section 9A(3) provides that the levy is not imposed in respect of the employment of those workers at a port from the date notified under section 9A(1) in respect of that port.

Under section 9A(2) the date to be notified is the date when the reform process in the particular port has been completed in line with the Reform Agreement (see below) in respect to employment arrangements, that is, when the Minister is satisfied that new employment arrangements forming part of that reform process are in operation.

It is to be noted that:

- the Stevedoring Industry Legislation Amendment Act 1990 proposes to amend section 6 of the Stevedoring Industry Finance Committee Act 1977 by providing for the Stevedoring Industry Finance Committee to exercise the function of advising the Minister of the date when employment arrangements satisfactorily comply with the Reform Agreement;
- the Reform Agreement, which is defined by section 3 of the Stevedoring Industry Legislation Amendment Act 1990 as the Waterfront Industry "In-Principle" Agreement negotiated between the Commonwealth, the Australian Council of Trade Unions, the stevedoring industry employers and the various unions representing workers in the industry, regulates the transition to enterprise based employment arrangements which are to be approved by the Waterfront Industry Reform Authority;
- the reform process will proceed on a port-by-port basis.