

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2013-2014**

**Outcome 4 - Workplace Relations and Economic Strategy**

**DEEWR Question No.** EW0180\_14

**Senator Abetz asked on 4 June 2013, Hansard page 113**

**Question**

**Enterprise awards**

Senator ABETZ: It is my understanding of it as well. Can I ask Mr Breen, or anybody from the department, has there been any feedback that that is mitigating against employers with enterprise awards from seeking to modernise them early? Because if they go to the commission to seek to have them modernised early and the modernisation is rejected, then that enterprise award ends there and then and is terminated rather than at its nominal expiry date, which I think would be 31 December 2013, when all of these are supposed to expire unless modernised. Mr Breen: I am not aware of any feedback or— Mr Kovacic: I have not seen any representations to that effect. Senator ABETZ: Right. Because representations have been made to me to that effect, where employers are saying, 'If we went in early to have it modernised and the modernisation process was rejected, then we lose the benefit of, let us say, 12 months of this enterprise award'. I am just wondering if we know how many enterprise awards there are, because there might then be a huge rush on the commission towards the end of the year to have hearings on modernisation? If they can modernise them, all well and good. But if not they will only lose a month or two rather than what, if I might suggest—and it has only come to me of recent time—is a bit of a design fault, that if you seek to modernise, and the commission for whatever reason decides, 'No, we won't allow you to,' then the enterprise award stops there and then and cannot continue until 31 December this year. Mr Kovacic: I will take on notice how many enterprise awards there might be. To some extent, enterprise awards themselves probably predate access to enterprise bargaining and enterprise agreements in the framework context. To some extent they are a bit of an anachronism—I use that word not in a derogatory sense. But clearly, there is the capacity for parties that have an enterprise agreement to negotiate an enterprise agreement. We will take on notice the question as to how many numbers there are. Senator ABETZ: If you could.

**Answer**

The Fair Work Commission has identified 1735 instruments (comprising 972 former federal awards and 763 former State awards) that may be operating as enterprise awards and will need to be either modernised by the Fair Work Commission or terminated.