

Senate Standing Committee on Education Employment and Workplace Relations

**QUESTIONS ON NOTICE
Additional Estimates 2012-2013**

Outcome 4 - Workplace Relations and Economic Strategy

DEEWR Question No. EW0797_13

Senator Abetz asked in writing.

Question

Fair Work Act 2009 - ambit claims

Are ambit claims in the spirit of the Fair Work Act?

Answer

The objects of the enterprise bargaining provisions of the *Fair Work Act 2009* are based on good faith bargaining. Claims made by bargaining representatives during enterprise bargaining are a matter for the parties involved. As with previous workplace relations legislative regimes and other forms of commercial bargaining, one or both parties may eventually settle for terms less beneficial than those they initially sought.

Importantly, the good faith bargaining requirements do not require employers or employees to make concessions or reach agreement. They do require bargaining representatives to meet standards of bargaining conduct which includes giving genuine consideration to bargaining proposals. Parties are able to take steps to enforce these requirements, including through seeking orders from the Fair Work Commission.