

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ16-000008

Senator Lines provided in writing.

Question

Greenfields Agreements - number of agreements made

1. How many Greenfields Agreements are for major projects (projects exceeding \$50 million)?
2. How many Greenfields Agreements have been made since the passing of the amendments?
3. What is the average time frame from commencement of negotiations until the Greenfield Agreement is lodged at the moment?
4. How many Greenfields Agreements have not been made?
5. What percentage of all agreements in the last year were Greenfields agreements?

Answer

1. There is no requirement under the *Fair Work Act 2009* (Fair Work Act) to disclose to the Fair Work Commission the value of the projects for which greenfields agreements will cover. There is therefore no data available on how many greenfields agreements cover projects exceeding \$50 million.
2. Fair Work Commission data on the number of greenfields agreements made since the amendments commenced on 27 November 2015 is not yet available.
3. There is no requirement under the Fair Work Act for bargaining representatives to notify the Fair Work Commission of the commencement of greenfields agreement negotiations. It is therefore not possible to report on average timeframes for the negotiation of greenfields agreements.

However, based on their public consultations, both the Fair Work Act Review 2012 and the Productivity Commission expressed significant concerns about the negotiation of greenfields agreements for major projects, including delays resulting from negotiations, and recommended substantial changes to the greenfields agreement provisions of the Fair Work Act to address the concerns. Both recommended capacity to resort to the Fair Work Commission to end a bargaining impasse after three months of unsuccessful negotiations.

4. There is no requirement under the Fair Work Act for bargaining representatives to notify the Fair Work Commission of the commencement of greenfields agreement negotiations. It is therefore not possible to report on the number of greenfields agreements where bargaining has commenced but an agreement has not been made.
5. According to latest published data from the department's Workplace Agreement Database 6.5 per cent of agreements from 1 October 2014 – 30 September 2015 were greenfields agreements.