

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ17-004126

Senator Marshall asked on 06 June 2017 on proof Hansard page 26

Question

Legacy Work Choice agreements still in place

Senator MARSHALL: Is the commission aware of how many legacy Work Choices agreements are still in existence?

Ms Clarke: No, that would be information that the department might be able to help with.

Senator MARSHALL: No, they cannot. I think I have asked you before, Ms Parker.

Ms Parker: I think the answer was we cannot. Do you want me to check again on that, Senator?

Senator MARSHALL: Yes, that would be good.

Answer

The expiry date of an enterprise agreement is a nominal expiry date. The agreement remains legally operational after expiry until it is either terminated or replaced by a new agreement. However, agreements can also cease to be operational in circumstances where the enterprise has undergone changes such that no employees are covered by the agreement (e.g. the enterprise has ceased to trade, with no transfer of business).

The Workplace Agreements Database maintained by the Department of Employment only contains information about whether an agreement that has passed its nominal expiry date has been replaced or terminated. It does not show which of these agreements are still operational or may have ceased operation due to changes to the business. The Department is therefore not able to provide advice regarding how many pre-Fair Work Act enterprise agreements may be currently operational.