

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2014-2015**

**Agency - Fair Work Commission**

**Department of Employment Question No. EM1590\_15**

**Senator Cameron asked on 23 October 2014 on proof Hansard page 24**

**Question**

**FWC - Current disputes**

Senator CAMERON: Would you be aware if there are any current disputes before the commission in relation to parties to an agreement who are seeking to reopen the agreement to take into account the reduction in the superannuation guarantee?

Ms O'Neill: I am not aware of any such applications or disputes. I will take this on notice if you would like, Senator. I am not certain that our case management system would enable such matters to be easily identified. There is not a separate provision. It would require an analysis of every dispute notified to ascertain precisely the basis upon-

**Answer**

Disputes in relation to enterprise agreements are lodged under section 739 of the *Fair Work Act 2009* (the Act). In addition, parties to enterprise agreements can apply to vary an agreement under section 210 of the Act.

In 2013-14, the Fair Work Commission received 219 applications pursuant to section 210 and 2,366 applications pursuant to section 739 of the Act.

The Fair Work Commission's case management system does not record detailed information on the nature of disputes made by parties to enterprise agreements. Consequently, detailed individual analysis would be required for each discrete matter in order to determine the quantity of disputes, if any, that relate to/related to issues associated with the superannuation guarantee. It would require a significant diversion of resources perform this task.