

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Cross Portfolio

Department of Employment Question No. EMSQ16-000901

Senator Cameron asked on 19 October 2016 on proof Hansard page 8

Question

Enterprise bargaining advice

Senator CAMERON: Could you take on notice—unless there is someone here who can tell me—whether you have provided any advice to either the Public Service Commission or any department in relation to compliance issues?

Ms Leon: In relation to compliance with the Fair Work Act?

Senator CAMERON: Yes, in the current bargaining round.

Ms Leon: I will take that on notice.

Senator CAMERON: It is a three year round so—

Ms Leon: I will have to take that on notice. We certainly do liaise with the Public Service Commission, but they can and may seek their own legal advice, if they want legal advice. But when an agency seeks legal advice about an act that is administered by another agency, they are required to consult with the agency that administers the act. So they may have sought independent legal advice, but consulted with the department about doing so. I will take on notice whether that has occurred.

Senator CAMERON: Please provide me with details of what advice has been sought and what advice has been given.

Answer

Consistent with the *Legal Services Directions 2005*, Commonwealth agencies engaged in enterprise bargaining have consulted with the Department in relation to legal advice concerning the interpretation and application of the *Fair Work Act 2009*.