

**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.** EW0927\_13

**Senator Abetz asked on 13 February 2013 , Hansard page 87**

**Question**

**Reports under Section 653 of the Fair Work Act**

Senator ABETZ: When were the statements or reports under section 653 of the Fair Work Act provided to the minister's office? Mr Kovacic: I would need to check the precise date. Some may have been provided before Christmas and some in early January. I am not entirely sure. It may have been that all of them were. Senator ABETZ: We were given that answer by the Fair Work Commission. What I was wanting to ask was: when did they start moving from the minister's office for tabling in the parliament? Mr Kovacic: My sense is that they were delivered to the tabling office yesterday and, consistent with practice, the tabling office put it on the notice papers, if I can characterise it that way, and they would be tabled today. Senator ABETZ: At the time of asking they had not been tabled yet. A certain senator was brandishing them around and saying, in effect, how slack we were in not knowing about it. Could we have taken on notice it should really be going to the parliamentary secretary? Ms Paul: That is fine. Senator ABETZ: In her absence could she get an answer for us from the minister as to what happened. What is the process from here, now that those reports have been delivered? Is there anything further that needs to be done or do the government and the public simply inform themselves of the content? Mr Kovacic: I think it is the latter. My understanding is that there is not a requirement on government to respond to those reports. Indeed, they are information reports, if I can characterise it that way. Senator ABETZ: On notice to the minister, why did the minister sit on these reports for the period of time that he did? Who received copies of the reports prior to their tabling?

**Answer**

The three General Manager's reports prepared under section 653 of the *Fair Work Act 2009* (FW Act), on the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave, the extent to which individual flexibility arrangements are agreed to and the content of those agreements, and enterprise agreement making in Australia under the FW Act, were provided to Minister Shorten on 23 November 2012.

The General Manager's Report on the unfair dismissal system, prepared under item 20A, Schedule 18 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*, was provided to the Minister on 21 December 2012.

Based on the dates that these reports were provided to the Minister, the statutory deadline for tabling the Reports was 18 March 2013 for those prepared under section 653 and 14 May 2013 for the unfair dismissal report.

The Department provided briefing to the Minister on 31 January 2013 on the content of the reports and to seek his approval to table the reports in Parliament. The Minister approved tabling of the reports on 7 February and the reports were tabled in the House of Representatives on 13 February.

Prior to the reports being tabled, embargoed copies were provided to the following people for information:

- Minister Shorten and his Office,
- Parliamentary Secretary Collins and her Office,
- Senator Bilyk, and
- officers in the Department who assisted with briefing on the reports.

Note this list does not include officials who were involved in the development of the reports (prior to them being presented to the Minister) or people who received copies of the reports solely for the purpose of printing or tabling of the reports.