



Australian Government
Attorney-General's Department
Deputy Secretary
Industrial Relations Group

8 March 2022

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

Clarification to Hansard – Additional Estimates hearing on 16 February 2022

I am writing to provide a clarification to evidence I gave to the Senate Education and Employment Legislation Committee during the Additional Estimates hearing on 16 February 2022.

On page 57 of the transcript, in response to a question from Senator Sheldon on how the department is dealing with emerging issues in industrial relations, I said:

Mr Hehir: Of course we will consider all of the parliamentary reports on the subject matter as well. In terms of casual and ongoing work, we continue to monitor that, but we do note that there is a reduction there. We also have a review of the provisions within the act that needs to be undertaken, and that will inform our policy advice to government, and that directly goes to casuals.

In relation to the part-time arrangements, I do note that—I think it was in the November figures—we saw the lowest level of underemployment reported since 2008, so fewer people are identifying that they want further work.

I wish to clarify that the lowest level of underemployment reported since 2008 was in *December* 2021, not November 2021.

On page 58, in response to a question from Senator Sheldon on part-time employment arrangements in the care sectors, I said:

Mr Hehir: We're also conscious that the award, I think, in the care industries—I think it might be the aged-care industry in particular—has a slightly uncommon provision around allowing the use of the zero hours. So that's certainly something that I would encourage parties to tackle at the Fair Work Commission, which sets the awards.

On page 59, of the transcript in response to a question from Senator Sheldon on part-time employment arrangements in the care sectors, I said:

Mr Hehir: I made a number of comments there. I think the first comment I made was that my understanding is that the aged-care award has some unusual provisions in it, including allowing zero-hour arrangements.

I wish to clarify that the Aged Care Award 2020 does not allow zero-hour arrangements for part-time employees. However, the Aged Care Award 2020 also does not prescribe a minimum number of weekly hours for part-time employees. This means that for part-time employees the minimum number of hours per week is the number of hours agreed between the employer and employee in the employee's regular pattern of work.

The department will also note this clarification in its response to a question on notice concerning this exchange (Question number EEC-AE22-020).

Yours sincerely

Martin Hehir
Deputy Secretary
Industrial Relations Group
Attorney-General's Department