

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2016 - 2017

Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-001466

Senator Cameron asked on 02 March 2017 on proof Hansard page 9

Question

FWC - Data on the termination of agreements

Senator CAMERON: Do you have any data in relation to the termination of agreements?

Ms O'Neill: The short answer is, I think, no. Do you mean applications when the commission has—

Senator CAMERON: Agreements that have been in force and are terminated.

Ms O'Neill: By a decision of the commission?

Senator CAMERON: Either by a decision of the commission or by agreement of the parties.

Ms O'Neill: Certainly we would have no information about any agreements terminated other than by a formal decision of the commission. I am happy to take that on notice, but I certainly do not have any information about the number of such matters.

Answer

In 2015–16 there were 403 applications for approval to terminate enterprise agreements. Of this total:

- 92 applications were made pursuant to section 222 of the *Fair Work Act 2009* (FW Act) for approval of a termination of an enterprise agreement, requiring the majority of employees to vote to approve the termination.
- 311 applications were made pursuant to section 225 of the FW Act for termination of an agreement after its nominal expiry date.

From 1 July 2016 to 2 March 2017 there were 260 applications for approval to terminate enterprise agreements. Of this total:

- 66 applications were made pursuant to section 222 of the FW Act.
- 194 applications were made pursuant to section 225 of the FW Act.