

**Senate Standing Committee on Education and Employment**

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

**Cross Portfolio**

**Department of Employment Question No. EM0944\_15**

**Senator Ludwig provided in writing.**

**Question**

**Sunset Provisions**

Please list all current legislation, covered by the department's portfolio, which contain a sunset provision/s. For each, please provide:

1. What work has been done towards preparing for the activation of sunset provisions? If no work has commenced, why not?
2. Has any consideration been given to delaying or alerting the sunset provisions?
3. Please provide a schedule or a workplan for the sunset provisions becoming active
4. When did/will this work begin?
5. When is/was the review due to commence.
6. What is the expected report date?
7. Who is the minister responsible for the review?
8. What department is responsible for the review?
9. List the specific clauses or legislation under review caused by the statutory provision.
10. List the terms of reference.
11. What is the scope of the review?
12. Who is conducting the review? How were they selected? What are the legislated obligations for the selection of the person to conduct the review?
13. What is the budgeted, projected or expected costs of the review?
14. When was the Minister briefed on this matter?
15. What decision points are upcoming for the minister on this matter?
16. List the number of officers, and their classification level, involved in conducting the review
17. Will the the report will be tabled in parliament or made public. If so, when?

**Answer**

There is one Act in the Employment Portfolio with a sunset provision.

*Fair Work (Building Industry) Act 2012*

Section 46 of the *Fair Work (Building Industry) Act 2012* provides that the Director of the Fair Work Building Industry Inspectorate may not make an application to a nominated Administrative Appeals Tribunal presidential member for an examination notice under section 45 after the end of three years after the day on which that section commences.

Section 45 commenced on 1 June 2012, therefore applications may not be made from 1 June 2015.

*1. What work has been done towards preparing for the activation of sunset provisions? If no work has commenced, why not?*

The Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013, which will re-establish the Australian Building and Construction Commission as the specialist workplace relations regulator for the building and construction industry, passed the House of Representatives on 12 December 2013. These Bills are currently before the Senate.

Item 1 of Schedule 1 to the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 will repeal the *Fair Work (Building Industry) Act 2012* in its entirety, including section 46 (which is a sunset provision relevant to examination notices).

Part 2 of Chapter 7 of the Building and Construction Industry (Improving Productivity) Bill 2013 contains new examination notice provisions.

*2. Has any consideration been given to delaying or alerting the sunset provisions?*

No.

Questions 3 to 17: Not applicable.