

**Senate Standing Committee on Economics**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Additional Estimates

8 – 11 February 2010

**Question:** aet 88

**Topic:** Fair Work Act and the ATO's agency agreement

**Hansard Page:** Hansard Proof E 135

**Senator BUSHBY**—We will move on from there. At the last estimates hearing the ATO indicated that they had just completed the new agency agreement that provided flexibility in how you employed your staff, particularly in the context of call centres. Has the implementation—or the starting date—of the fair work legislation and associated modern award systems impacted at all on your agreement or on the flexibility that it contains?

**Mr D'Ascenzo**—The short answer is that we have been taking the fair work arrangements into account but we have not seen them impacting on our operations at this stage.

**Senator BUSHBY**—When you negotiated the agreement did you negotiate it bearing in mind the likely impact of that legislation?

**Mr D'Ascenzo**—We certainly understood the context. It was mooted but certainly not passed by the time we had our agency agreement signed.

**Senator BUSHBY**—Are you aware of any subsequent potential conflict?

**Mr D'Ascenzo**—There may well be certain requirements in the Fair Work Act that we now have to overlay on our agreement, but I do not think there is any great inconsistency in what we are trying to achieve.

**Senator BUSHBY**—So, in your opinion, the legislation is not going to impact on the flexibility that you have negotiated into that agreement?

**Mr D'Ascenzo**—At this stage I am not noticing anything of an impact but perhaps I could take that notice and seek advice from my corporate area.

**Answer:**

The introduction of the Fair Work legislation did not affect the ATO's ability to negotiate some differing conditions of service for newly engaged non-ongoing employees to those of ongoing employees and existing non-ongoing employees. While the ATO's 2009 agency agreements were made under the *Workplace Relations Act 1996*, these variations in conditions were designed with the proposed National Employment Standards in mind and generally meet or exceed the standards.

The types of conditions that were varied for new non-ongoing employees included reduced accruals of personal leave and a wider bandwidth for working hours (7.00am

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to 9.00pm Monday to Friday, compared to 7.00am to 7.00pm Monday to Friday for other employees).

In summary, neither the National Employment Standard nor the modern award system has presented any issues to date in the implementation of the different conditions of service for new non-ongoing employees starting in the ATO since 1 July 2009.