

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2005-2006 ADDITIONAL SENATE ESTIMATES HEARING  
16 FEBRUARY 2006  
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Outcome 2:** Higher productivity, higher pay workplace

**Output Group 2.1:** Workplace relations policy and analysis

**Output 2.1.2:** Workplace Relations Legislation Development

**Question Number:** W712-06

**Question:**

Senator Wong asked in writing:

- a) When does the department expect the regulations to be completed?
- b) Is this consistent with the original date specified by the Government?
- c) When was the original scheduled date for the regulations to be completed?
- d) How many regulations are there likely to be arising from the industrial relations changes?
- e) Please specify number of regulations and pages.
- f) What is the total expenditure to date by the department for external legal advice on the regulations?
- g) Please provide a list of all consultants and/or law firms involved in the drafting of the regulations.
- h) Will the regulations include further detail on prohibited content, re bargaining?

**Answer:**

- a) Regulations, associated with the *Workplace Relations Amendment (Work Choices) Act 2005* (the Work Choices Act), commenced at the same time as the Act, on 27 March.
- b) Yes.

- c) Regulations were to be made for commencement at the same time as the Act.
- d) There were 3 sets of Regulations made for commencement at the same time as the Act which:
- repealed the Workplace Relations Regulations 1996 and make the Workplace Relations regulations 2006 and prescribing various matters (e.g. prescribing prohibited content) as well as transitional regulations made under the Work Choices Act;
  - amended the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003* to accommodate the amendments to Schedule 1 to the *Workplace Relations Act 1996* made by the Work Choices Act;
  - made consequential amendments to 52 Acts (under item 2 of Schedule 4 to the Work Choices Act) and 4 regulations consequential on amendments made by the Work Choices Act;
- e) The Workplace Relations Regulations 2006 is 291 pages including index and schedules. The consist of 289 regulations and the following Schedules:
- Schedule 1 - 5 forms
  - Schedule 2 - 1 table
  - Schedule 3 - 1 list
  - Schedule 4 - 1 table
  - Schedule 5 - 1 table
  - Schedule 6 - 1 form of identity card
  - Schedule 7 - 15 tables
  - Schedule 8 - 9 items

The Workplace Relations (Registration and Accountability of Organisations) Amendment Regulations 2006 is 12 pages and consists of 3 regulations and 1 Schedule with 26 items

Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 is 111 pages and consists of 3 regulations and 58 Schedules comprising 246 items

- f) It is not possible to quantify the component of employees of external legal providers on secondment to the Department that relates only to the regulations. Some secondees' work on the Work Choices Act would necessarily have involved some consideration of associated regulations.
- g) The Department seconded officers from each of the following law firms: Australian Government Solicitor; Minter Ellison; Phillips Fox; Harmers Workplace Lawyers; Freehills, Blake Dawson Waldron, Clayton Utz. Officers from each firm were involved to some extent in assisting the Department provide advice relating to, or preparation of, the draft regulations. Of these seven firms, 4 finished their secondments soon after the Work Choices Act was passed. Three continued their secondments until February March 2006

and worked on proposed regulations as well as other matters. One employee of the Australian Government Solicitor remains seconded to the Department.

h) Yes.