

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

**2006-2007 ADDITIONAL SENATE ESTIMATES HEARING  
15 FEBRUARY 2007  
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:** W1174-07

**Question:**

Senator Wong asked at *Hansard* page 127 and in writing:

**AWA waivers** If an under-18 waives access to the information statement for seven days, is a parent or guardian required to receive and or sign the waiver for both the AWA and the information statement?

**Answer:**

Prior to seeking approval of a proposed workplace agreement, under section 337 of the *Workplace Relations Act 1996* (the Act) an employer must take reasonable steps to ensure that an employee has:

- the proposed agreement (or ready access to it), and
- a copy of the information statement prepared by the Employment Advocate

at least seven days before the agreement is approved.

After the employer has provided an employee with the proposed workplace agreement (or ready access to it) and a copy of the information statement, under section 338 of the Act an employee may choose to waive, in writing, the right to consider these documents for the full seven day period.

The Act includes a number of other safeguards to ensure free and informed choice in agreement-making. Subsection 400(5) of the Act prohibits a person from applying duress in connection with an Australian Workplace Agreement (AWA). Section 401 prohibits a person from recklessly making false or misleading statements causing another person to approve a workplace agreement.

In the case of an employee under the age of 18 years, the Act contains an additional protection. Subsection 340 requires an appropriate person (such as a parent or guardian of the employee) to sign the AWA to indicate their consent to the employee

making the AWA. If the parent or guardian has any concerns regarding the AWA, or waiver of the consideration period, he or she could withhold signature of the AWA until any concerns are resolved.

**Estimated cost:** Based on the FOI calculator it has taken approximately 2 hours and 15 minutes at an estimated cost of \$44 to prepare this answer.