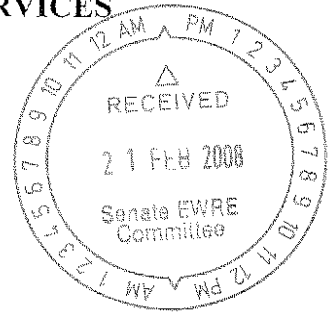


LETTER TO STAKEHOLDERS ON EMPLOYMENT SERVICES



THE HON BRENDAN O'CONNOR MP MINISTER FOR EMPLOYMENT PARTICIPATION

Parliament House
CANBERRA ACT 2600

Dear CEOs

As you are aware, the Rudd Government believes all Australians need to be economically and socially included and that one of the key ways this can be achieved is through jobs. Central to the attainment of this goal is our commitment to review the current range of employment services.

I am writing to seek your views on how employment services can be improved.

I understand that you may have provided submissions on employment services last year to the previous Government. I am, however, reopening the invitation for all employment service providers, and other interested stakeholders, to contribute ideas on the current employment services model. I am particularly interested in your views about the effectiveness of the current number of programmes and services.

I would also welcome your suggestions on how we might achieve the objectives identified in the Government's Social Inclusion and Skills policies, including how to ensure:

- early interventions minimise the number of long-term welfare dependent Australians of working age (including a review of the Job Seeker Classification Instrument)
- employment services are relevant to the circumstances and needs of the job seeker
- job seekers with higher levels of disadvantage receive intensive assistance
- incentives for training which will improve the employability of job seekers (including incentives for long term training and education to address labour market needs)
- job seekers receive appropriate training
- performance management principles (including star ratings and business reallocation) that support sustainable outcomes and promote quality service delivery and
- the minimisation of time and money spent on administration.

CONTACT: Malcolm Cook
PHONE: 6121 9348
GROUP: Labour Market Strategies
CLEARED BY: Michael Manthorpe

DATE FIRST PREPARED: 18/01/2008
DATE LAST UPDATED:
VERSION: 1

In order to allow for adequate consideration of your suggestions and consultation on any proposed changes in advance of the procurement process for all employment services in 2009, please send submissions to me at:

MinisterEmploymentParticipation@deewr.gov.au

by close of business Wednesday, 13 February 2008.

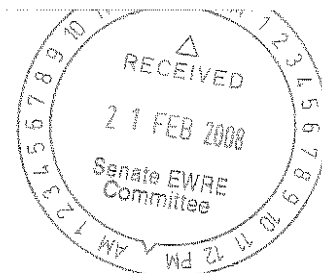
If you have any questions regarding this letter, please contact Michael Manthorpe, Group Manager, Labour Market Strategies on 02 6121 5917 or michael.manthorpe@deewr.gov.au.

I look forward to working with you on the future directions of employment services.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Brendan O'Connor', written in a cursive style.

Brendan O'Connor

Tabled document no: 2By: *Outcome 9***CONVENTIONS RATIFIED BY AUSTRALIA**Date: *21/2/08 - DEEWR.*

- 02 Unemployment, 1919 (ratified 15.6.72)
- 07 Minimum Age (Sea), 1920 (28.6.35)
- 08 Unemployment Indemnity (Shipwreck), 1920 (28.6.35)
- 09* Placing of Seamen, 1920 (3.8.25)
- 10 Minimum Age (Agriculture), 1921 (24.12.57)
- 11 Right of Association (Agriculture), 1921 (24.12.57)
- 12 Workmen's Compensation (Agriculture), 1921 (7.6.60)
- 15* Minimum Age (Trimmers and Stokers), 1921 (28.6.35)
- 16 Medical Examination of Young Persons (Sea), 1921 (28.6.35)
- 18 Workmen's Compensation (Occupational Diseases), 1925 (22.4.59)
- 19 Equality of Treatment (Accident Compensation), 1925 (12.6.59)
- 21* Inspection of Emigrants, 1926 (18.4.31)
- 22 Seamen's Articles of Agreement, 1926 (1.4.35)
- 26 Minimum Wage Fixing Machinery, 1928 (9.3.31)
- 27 Marking of Weight (Packages Transported by Vessels), 1929 (9.3.31)
- 29 Forced Labour, 1930 (2.1.32)
- 42 Workmen's Compensation (Occupational Diseases) (Revised), 1934 (29.4.59)
- 45* Underground Work (Women), 1935 (7.10.53)
- 47 Forty-Hour Week, 1935 (22.10.70)
- 57@ Hours of Work and Manning (Sea), 1936 (24.9.38)
- 58 Minimum Age (Sea) (Revised), 1936 (11.6.92)
- 63# Statistics of Wages and Hours of Work, 1938 (5.9.39)
- 69 Certification of Ships' Cooks, 1946 (29.8.95)
- 73 Medical Examination (Seafarers), 1946 (29.8.95)
- 76@ Wages, Hours of Work and Manning (Sea), 1946 (25.1.49)
- 80 Final Articles Revision, 1946 (24.1.49)
- 81 Labour Inspection, 1947 (24.6.75)
- 83** Labour Standards (Non-Metropolitan Territories), 1947 (15.6.73)
- 85** Labour Inspectorates (Non-Metropolitan Territories), 1947 (30.9.54)
- 86** Contracts of Employment (Indigenous Workers), 1947 (15.6.73)
- 87 Freedom of Association and Protection of the Right to Organise, 1948 (28.2.73)
- 88 Employment Service, 1948 (24.12.49)
- 92 Accommodation of Crews (Revised), 1949 (11.6.92)
- 93@ Wages, Hours of Work and Manning (Sea) (Revised), 1949 (3.3.54)
- 98 Right to Organise and Collective Bargaining, 1949 (28.2.73)
- 99 Minimum Wage-Fixing Machinery (Agriculture), 1951 (19.6.69)
- 100 Equal Remuneration, 1951 (10.12.74)
- 105 Abolition of Forced Labour, 1957 (7.6.60)
- 109@ Wages, Hours of Work and Manning (Sea) (Revised), 1958 (15.6.72)
- 111 Discrimination (Employment and Occupation), 1958 (15.6.73)
- 112 Minimum Age (Fishermen), 1959 (15.6.71)
- 116 Final Articles Revision, 1961 (29.10.63)
- 122 Employment Policy, 1964 (12.9.69)
- 123 Minimum Age (Underground Work), 1965 (12.12.71)
- 131 Minimum Wage Fixing, 1970 (15.6.73)
- 133 Accommodation of Crews (Supplementary Provisions), 1970 (11.6.92)
- 135 Workers' Representatives, 1971 (26.2.93)

- 137 Dock Work, 1973 (25.6.74)
- 142 Human Resources Development, 1975 (10.9.85)
- 144 Tripartite Consultation (International Labour Standards), 1976 (11.6.79)
- 150 Labour Administration, 1978 (10.9.85)
- 155 Occupational Safety and Health Convention 1981 (26.3.04)
- 156 Workers with Family Responsibilities, 1981 (30.3.90)
- 158 Termination of Employment, 1982 (26.2.93)
- 159 Vocational Rehabilitation and Employment (Disabled Persons), 1983 (7.8.90)
- 160 Labour Statistics, 1985 (15.5.87)
- 166 Repatriation of Seafarers (Revised), 1987 (29.8.95)
- 173 Workers' Claims (Employer's Insolvency), 1992 (8.6.94)
- 182 Worst Forms of Child Labour, 1999 (19.12.06)

Not in force:

** Denounced without ratifying a revised Convention*

*** Denounced as obsolete*

@ Has not come into force. Instruments of ratification withdrawn by Australia.

Automatically denounced when a revised Convention (No. 160) was ratified

CONVENTIONS NOT RATIFIED BY AUSTRALIA

1	Hours of Work (Industry) Convention 1919
3	Maternity Protection Convention 1919
4	Night Work (Women) Convention 1919
5	Minimum Age (Industry) Convention 1919
6	Night Work of Young Persons (Industry) Convention 1919
13	White Lead (Painting) Convention 1921
14	Weekly Rest (Industry) Convention 1921
17	Workmen's Compensation (Accidents) Convention 1925
20	Night Work (Bakeries) Convention 1925
23	Repatriation of Seamen Convention 1926
24	Sickness Insurance (Industry) Convention 1927
25	Sickness Insurance (Agriculture) Convention 1927
28**	Protection Against Accidents (Dockers) Convention 1929
30	Hours of Work (Commerce and Offices) Convention 1930
31*	Hours of Work (Coal Mines) Convention 1931
32**	Protection against Accidents (Dockers) Convention 1933
33**	Minimum Age (Non-Industrial Employment) Convention 1932
34**	Fee-Charging Employment Agencies Convention 1933
35**	Old-Age Insurance (Industry) Convention 1933
36**	Old-Age Insurance (Agriculture) Convention 1933
37**	Invalidity Insurance (Industry etc) Convention 1933
38**	Invalidity Insurance (Agriculture) Convention 1933
39**	Survivors' Insurance (Industry etc) Convention 1933
40**	Survivors' Insurance (Agriculture) Convention 1933
41**	Night Work Women Convention (Revised) 1934
43	Sheet-Glass Works Convention 1934
44**	Unemployment Provision Convention 1934
46*	Hours of Work (Coal Mines) Convention (Revised) 1935
48**	Maintenance of Migrants' Pension Rights Convention 1935
49	Reduction of Hours of Work (Glass-Bottle Works) Convention 1935
50	Recruiting of Indigenous Workers Convention 1936
51*	Reduction of Hours of Work (Public Works) Convention 1936
52**	Holiday with Pay Convention 1936
53	Officers' Competency Certifications Convention 1936
54	Holidays with Pay (Sea) Convention 1936
55	Shipowners' Liability (Sick and Injured Seamen) Convention 1936
56**	Sickness Insurance (Sea) Convention 1936
59	Minimum Age (Industry) Convention (Revised) 1937
60	Minimum Age (Non-Industrial Employment) Convention (Revised) 1937
61*	Reduction of Hours of Work (Textiles) Convention 1937
62**	Safety Provisions (Building) Convention 1937
64	Contracts of Employment (Indigenous Workers) Convention 1939
65	Penal Sanctions (Indigenous Workers) Convention 1939
66*	Migration for Employment Convention 1939
67**	Hours of Work and Rest Periods (Road Transport) Convention 1939
68	Food and Catering (Ships' Crews) Convention 1946
70	Social Security (Seafarers) Convention 1946

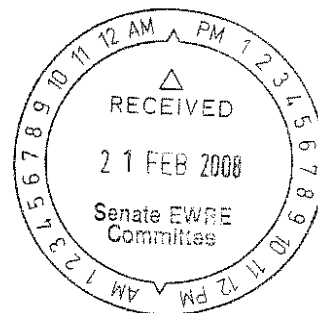
- 71 Seafarers' Pensions Convention 1946
- 72 Paid Vacations (Seafarers) Convention 1946
- 74 Certification of Able Seamen Convention 1946
- 75 Accommodation of Crews Convention 1946
- 77 Medical Examination of Young Persons (Industry) Convention 1946
- 78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention 1946
- 79 Night Work of Young Persons (Non-Industrial Occupations) Convention 1946
- 82 Social Policy (Non-Metropolitan Territories) Convention 1947
- 84 Rights of Association (Non-Metropolitan Territories) Convention 1947
- 89 Night Work (Women) Convention (Revised) 1948
- 90 Night Work of Young Persons (Industry) Convention (Revised) 1948
- 91** Paid Vacations (Seafarers) Convention (revised) 1949
- 94 Labour Clauses (Public Contracts) Convention 1949
- 95 Protection of Wages Convention 1949
- 96 Fee-Charging Employment Agencies Convention (Revised) 1949
- 97 Migration for Employment Convention (Revised) 1949
- 101 Holidays with Pay (Agriculture) Convention 1951
- 102 Social Security (Minimum Standards) Convention 1952
- 103 Maternity Protection Convention (Revised) 1952
- 105 Abolition of Forced Labour Convention 1957
- 106 Weekly Rest (Commerce & Offices) Convention 1957
- 107** Indigenous and Tribal Populations Convention 1957
- 108 Seafarers' Identity Documents Convention 1958
- 110 Plantations Convention 1958
- 113 Medical Examination (Fishermen) Convention 1959
- 114 Fishermen's Articles of Agreement Convention 1959
- 115 Radiation Protection Convention 1960
- 117 Social Policy (Basic Aims and Standards) Convention 1962
- 118 Equality of Treatment (Social Security) Convention 1962
- 119 Guarding of Machinery Convention 1963
- 120 Hygiene (Commerce and Offices) Convention 1964
- 121 Employment Injury Benefits Convention 1964
- 124 Medical Examination of Young Persons (Underground Work) Convention 1965
- 125 Fishermen's Competency Certificates Convention 1966
- 126 Accommodation of Crews (Fishermen) Convention 1966
- 127 Maximum Weight Convention 1967
- 128 Invalidity, Old Age and Survivors' Benefits Convention 1967
- 129 Labour Inspection (Agriculture) Convention 1969
- 130 Medical Care and Sickness Benefits Convention 1967
- 132 Holidays with Pay Convention 1970
- 134 Prevention of Accidents (Seafarers) Convention 1970
- 136 Benzene Convention 1971
- 138 Minimum Age Convention 1973
- 139 Occupational Cancer Convention 1974
- 140 Paid Educational Leave Convention 1974
- 141 Rural Workers' Organizations Convention 1975
- 143 Migrant Workers (Supplementary Provisions) Convention 1975

145	Continuity of Employment (Seafarers) Convention 1976
146	Seafarers' Annual Leave with Pay Convention 1976
147	Merchant Shipping (Minimum Standards) Convention 1976
148	Working Environment (Air Pollution, Noise and Vibration) Convention 1977
149	Nursing Personnel Convention 1977
151	Labour Relations (Public Service) Convention 1978
152	Occupational Safety and Health (Dock Work) Convention 1979
153	Hours of Work and Rest Periods (Road Transport) Convention 1979
154	Collective Bargaining Convention 1981
157	Maintenance of Social Security Rights Convention 1982
161	Occupational Health Services Convention 1985
162	Asbestos Convention 1986
163	Seafarers' Welfare Convention 1987
164	Health Protection and Medical Care (Seafarers) Convention 1987
165	Social Security (Seafarers) Convention (Revised) 1987
167	Safety and Health in Construction Convention 1988
168	Employment Promotion and Protection against Unemployment Convention 1988
169	Indigenous and Tribal Peoples Convention 1989
170	Chemicals Convention 1990
171	Night Work Convention 1990
172	Working Conditions (Hotels and Restaurants) Convention 1991
174	Prevention of Major Industrial Accidents Convention 1993
175	Part-Time Work Convention 1994
176	Safety and Health in Mines Convention 1995
177	Home Work Convention 1996
178	Labour Inspection (Seafarers) Convention 1996
179	Recruitment and Placement of Seafarers Convention 1996
180	Seafarers' Hours of Work and the Manning of Ships Convention 1996
181	Private Employment Agencies Convention 1997
183**	Maternity Protection (Revised) Convention 2000
184	Safety and Health in Agriculture Convention 2001
185	Seafarers' Identity Documents Convention (Revised), 2003
186	Maritime Labour Convention, 2006
187	Promotional Framework for Occupational Safety and Health Convention, 2006
188	Work in Fishing Convention, 2007

** Withdrawn by the 2000 International Labour Conference*

*** No longer open to ratification as a result of the entry into force of a revising Convention.*

SENATE LEGISLATION COMMITTEE
ADDITIONAL ESTIMATES 2007-08



OUTCOME 5
OUTPUT 5.06 Agencies
PBS/PAES PAGE NUMBER

GROUP WORKPLACE AUTHORITY

TITLE 4.1 TREATMENT IN AWAs OF PROTECTED AWARD CONDITIONS

QUESTION 1 THE FORMER EMPLOYMENT ADVOCATE REFUSED TO ALLOW ANALYSIS OF DATA COLLECTED FROM SAMPLES OF AWAs MADE UNDER WORKCHOICES. IS THIS DATA HELD BY THE WORKPLACE AUTHORITY AND HAS IT NOW BEEN ANALYSED?

KEY POINTS / ANSWER

- The Workplace Authority has raw data from a sample of over 1700 AWAs lodged between April and October 2006. In recognition that this question has been asked consistently at the past three Senate Estimates hearings, data concerning the treatment of protected award conditions in those AWAs has now been collated and analysed. In addition, wage increases data from a smaller sub-set of those 1700 AWAs has also been collated and analysed.
- There are limitations on the analysis of the data because only particular matters were coded. This is because during the period March 2006 to May 2007 (the period from the introduction of WorkChoices to the introduction of the Fairness Test) the former Employment Advocate was only required to accept lodgements of agreements and did not have responsibility to examine the content of agreements. The sample has been manually analysed.

QUESTION 2 HAVE YOU BEEN INSTRUCTED TO CONDUCT THIS ANALYSIS BY THE NEW GOVERNMENT?

KEY POINTS / ANSWER

- No.

QUESTION 3 THE FORMER EMPLOYMENT ADVOCATE CLAIMED THAT METHODOLOGICAL CONCERNS WERE THE PRIMARY REASON FOR NOT CONDUCTING ANY ANALYSIS. DO YOU DISAGREE WITH THE FORMER EMPLOYMENT ADVOCATE ABOUT THE METHODOLOGY?

KEY POINTS / ANSWER

- I have a different view to the former Employment Advocate and have requested, due to the public interest in these issues, that the raw data be collated and analysed.
- The raw data only contains information on specific components of the AWAs sampled; not the entire content of the agreements coded. For example, the data collected does not include benefits which the agreements may contain and which may be valued by employees.
- It has not been possible to analyse any additional conditions or benefits which may have been offered or paid in lieu of changes to or removal of protected award conditions for AWAs lodged during this time period.

QUESTION 4

DID YOU CONSULT WITH THE FORMER EMPLOYMENT ADVOCATE BEFORE YOU CONDUCTED THIS ANALYSIS?

KEY POINTS / ANSWER

- No.

QUESTION 5

WHY HAVE YOU DIVERTED RESOURCES TO CONDUCT THIS ANALYSIS WHEN YOU HAVE OVER 100 000 AGREEMENTS AWAITING ASSESSMENT AGAINST THE FAIRNESS TEST?

KEY POINTS / ANSWER

- Collating and analysing the raw data did not require the efforts of any employees engaged in administering the Fairness Test. The data was analysed by employees whose primary role is reporting, research and analysis.

QUESTION 6

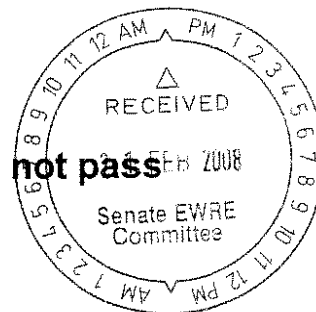
WILL YOU RELEASE THE RAW DATA SO THAT IT CAN BE INDEPENDENTLY ANALYSED BY ACADEMICS?

KEY POINTS / ANSWER

- The raw data is in a form that would identify AWA parties. Section 165 of the *Workplace Relations Act 1996* precludes the release of this type of information.
- In the longer term we will be looking at ways in which we can provide access to information for academic research.

Materiality – review of sample of agreements that do not pass the Fairness Test

NOTES ON DATA



This data has been manually collected from a sample of agreements. While the monetary component is accurate within the groupings, the identification of amended or removed protected award conditions is based on data recorded by assessors. The recording of this information is not a mandatory field and as such cannot be assured as an accurate or complete representation of all AWAs.

PRE ENACTMENT – AWAs lodged prior to the passage of the Fairness Test but subject to the Fairness Test (lodged between 7 May 2007 and 1 July 2007).

Some 54,000 AWAs were lodged during this period. As at 30 November assessment for 44,435 had been completed. Of these 5,259 AWAs were assessed as having not passed the fairness test. It should be noted that a further 4,234 were unable to be assessed because they did not provide sufficient information.

From the 5,239 AWAs that did not pass the Fairness Test because the pay rate proposed did not adequately compensate for removed or amended Protected Award Conditions (PACs) a sample 670 AWAs were used in this analysis.

- 302 (approximately 45%) offered between \$1 to \$49 per week below the required rate
- 331 (approximately 50%) offered from \$50 to \$199 per week below the required rate.
- 34 (approximately 5%) offered \$200 to \$499 per week below the required rate.
- 3 (approximately 0.5%) offered more than \$500 per week below the required rate.

The majority of agreements were in the retail, accommodation and food services industries with a reasonable number from manufacturing and wholesale and a small representation from the security industry.

Of the three in the greater than \$500 a week category: one was from the retail sector and the other two from electrical contracting.

POST ENACTMENT – AWAs lodged after the passage of the Fairness Test legislation (lodged between 1 July 2007 and 30 November 2007).

Some 161,000 AWAs were lodged during this period. As at 30 November assessment for 44,966 had been completed. Of these 4,471 AWAs were assessed as having not passed the fairness test.

From the 4,471 AWAs that did not pass the Fairness Test because the pay rate proposed did not adequately compensate for removed or amended Protected Award Conditions (PACs) a sample 3146 AWAs were used in this analysis.

- 1,560 (approximately 50%) offered less than \$50 per week below the required rate.
- 1,222 (approximately 39%) offered from \$50 to \$199 per week below the required rate.

Senate Education, Employment and Workplace relations Committee
Additional Budget estimates 2007-2008
DEEWR -21 February

Tabled document no: 4

By:

Workplace Authority
21/2/08

- 334 (approximately 10%) offered \$200 to \$499 per week below the required rate.
- 30 (approximately 1%) offered more than \$500 per week below the required rate.

The predominant industries were: retail; accommodation and food services; financial and insurance services; and with some security industry agreements.

The 30 agreements in the greater than \$500 a week category were from: transport; postal and warehousing; and public administration and safety industries.

Common PACs removed or amended in both samples: Loadings for working overtime or shift work; Penalty rates; Allowances; and Annual leave loading.

Materiality – review of sample of agreements that do not pass the Fairness Test

NOTES ON DATA



This data has been manually collected from a sample of agreements. While the monetary component is accurate within the groupings, the identification of amended or removed protected award conditions is based on data recorded by assessors. The recording of this information is not a mandatory field and as such cannot be assured as an accurate or complete representation of all AWAs.

PRE ENACTMENT – AWAs lodged prior to the passage of the Fairness Test but subject to the Fairness Test (lodged between 7 May 2007 and 1 July 2007).

Some 54,000 AWAs were lodged during this period. As at 30 November assessment for 44, 435 had been completed. Of these 5,259 AWAs were assessed as having not passed the fairness test. It should be noted that a further 4,234 were unable to be assessed because they did not provide sufficient information.

From the 5,239 AWAs that did not pass the Fairness Test because the pay rate proposed did not adequately compensate for removed or amended Protected Award Conditions (PACs) a sample 670 AWAs were used in this analysis.

- 302 (approximately 45%) offered between \$1 to \$49 per week below the required rate
- 331 (approximately 50%) offered from \$50 to \$199 per week below the required rate.
- 34 (approximately 5%) offered \$200 to \$499 per week below the required rate.
- 3 (approximately 0.5%) offered more than \$500 per week below the required rate.

The majority of agreements were in the retail, accommodation and food services industries with a reasonable number from manufacturing and wholesale and a small representation from the security industry.

Of the three in the greater than \$500 a week category: one was from the retail sector and the other two from electrical contracting.

POST ENACTMENT – AWAs lodged after the passage of the Fairness Test legislation (lodged between 1 July 2007 and 30 November 2007).

Some 161,000 AWAs were lodged during this period. As at 30 November assessment for 44, 966 had been completed. Of these 4,471 AWAs were assessed as having not passed the fairness test.

From the 4,471 AWAs that did not pass the Fairness Test because the pay rate proposed did not adequately compensate for removed or amended Protected Award Conditions (PACs) a sample 3146 AWAs were used in this analysis.

- 1,560 (approximately 50%) offered less than \$50 per week below the required rate.
- 1,222 (approximately 39%) offered from \$50 to \$199 per week below the required rate.

Senate Education, Employment and Workplace relations Committee
Additional Budget estimates 2007-2008
DEEWR -21 February

Tabled document no: 4

By:

Workplace Authority
21/2/08

- 334 (approximately 10%) offered \$200 to \$499 per week below the required rate.
- 30 (approximately 1%) offered more than \$500 per week below the required rate.

The predominant industries were: retail; accommodation and food services; financial and insurance services; and with some security industry agreements.

The 30 agreements in the greater than \$500 a week category were from: transport; postal and warehousing; and public administration and safety industries.

Common PACs removed or amended in both samples: Loadings for working overtime or shift work; Penalty rates; Allowances; and Annual leave loading.