

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Additional Estimates 2009-2010**

**Outcome 5 - Workplace Relations**

**DEEWR Question No.EW1062\_10**

**Senator Abetz asked on 10/02/2010, Hansard page 149.**

**Question**

***BARGAINING IN GOOD FAITH***

Senator ABETZ—..... The National Tertiary Education Union had announced at one stage that it had set a floor under expected pay outcomes, and it seems that such apparent inflexibility is still deemed to be bargaining in good faith.

... as I understand it, Fair Work Australia said that that is still good faith bargaining.

Senator ABETZ—..... what is the government's policy position in relation to this matter? Senator Arbib—I will seek out that information.

**Answer**

The Department has been unable to identify the FWA matter referred to by Senator Abetz and is therefore unable to provide a specific response.

However, the Department notes that the agreement-making provisions in the *Fair Work Act 2009* (FW Act) set out a clear process for the making and approval of enterprise agreements.

At the core of the agreement-making process is the requirement for bargaining representatives to bargain in good faith.

The good faith bargaining requirements are set out in section 228 of the FW Act and these requirements essentially set out the Government's policy position in respect of good faith bargaining.