

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

**QUESTIONS ON NOTICE
Additional Estimates 2011-2012**

Outcome 5 - Workplace Relations & Economic Strategy

DEEWR Question No. EW0959_12

Senator Boyce provided in writing.

Question

Regulation 144 of 2011 and Regulation 3 of 2012

Why did the Department consult with the ASU in the formulation of the original draft of Regulation 144 when their coverage of the community welfare sector in Queensland is relatively small?

Answer

On 6 May 2009, the Queensland Industrial Relations Commission (QIRC) made a pay equity decision that increased the rates of pay for employees in the Queensland social and community services (SACS) sector who were covered by the Queensland *Community Services and Crisis Assistance Award – State 2008* (the State award).

From 1 January 2010, Queensland referred power to the Commonwealth to extend the *Fair Work Act 2009*. The then Queensland Minister for Industrial Relations, the Hon Cameron Dick MP, wrote to the then Minister for Employment and Workplace Relations, the Hon Julia Gillard MP, on 22 September 2009 making it clear that it was a condition of Queensland's referral that the pay equity decision rates of pay would be extended to employees that would have returned to the Queensland system in March 2011 but for the referral. That is, employees to whom either of the following federal transitional awards applied:

- the *Social and Community Services (Queensland) Award 2001* [Transitional] and
- the *Crisis Assistance Supported Housing (Queensland) Award 1999* [Transitional].

The ASU was the only union respondent to each of the two federal transitional awards. It was therefore appropriate that the department consulted the ASU.