

**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. EW0963_12

Senator Boyce provided in writing.

Question

Regulation 144 of 2011 and Regulation 3 of 2012

Given that the same 316 employers named in the first version of Regulation 144 are named in the latest version, do you expect that there will be High Court case seeking to clarify the definition of a 'trading corporation'? Does the Department think it does need clarification in law?

Answer

The *Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulation 2012 (No. 1)*, unlike *Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2011 (No. 1)*, does not name any employers.

The Department does not anticipate that these regulations are likely to trigger High Court consideration of the definition of "trading or financial corporations formed within the limits of the Commonwealth".

The department considers there to be sufficient clarity in this regard for the effective operation of *Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulation 2012 (No. 1)*.