

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

**QUESTIONS ON NOTICE  
Additional Estimates 2012-2013**

**Outcome 4 - Workplace Relations and Economic Strategy**

**DEEWR Question No.** EW0953\_13

**Senator Abetz asked on 13 February 2013, Hansard page 127**

*Refers to previous DEEWR Question No 0661\_13*

**Question**

**Relates to EW0661\_13**

Senator ABETZ: In relation to question 0661 underscore 13—and I was asking about intervention in modern award review—the government made a submission and you, Ms Paul, indicated that it was a government decision and presumably it was initiated within government. We can take on notice the chain of events. Then I was provided with an answer in which I was told that it was a government submission. But, of course, what I was getting at was whether this was departmentally driven or ministerially driven. I asked who initiated it. Sure, ultimately it is the minister's decision as to whether the submission goes forward, but who initiated the government making a submission? And I was told it was a government submission. We knew that. I wanted to know who initiated the government's submission. Was it the minister or the department? Ms Paul: Do you mean who did the work, the drafting, or who initiated the— Senator ABETZ: Who initiated the government making a submission? Somebody must have had the idea— Ms Paul: So who had the idea; okay. Senator ABETZ: 'We should make a submission.' Did that come from the minister's office or from the department? Mr Kovacic: We will take that on notice.

**Answer**

Throughout 2012 the Department provided regular advice to the Minister and his Office on the Fair Work Commission's two year review of modern awards, including which 'common matters' had been referred to a Full Bench. Penalty Rates was one such common matter. In doing so, the Department canvassed the possibility of the Government making submissions to proceedings relating to the common matters.

The Minister's office subsequently advised that a submission was required.