

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2006-2007 BUDGET SENATE ESTIMATES HEARING  
29<sup>TH</sup> AND 30<sup>TH</sup> MAY 2006  
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Outcome 2: Higher productivity, higher pay workplace**

**Output Group 2.1: Workplace relations policy and analysis**

**Output 2.1.1: Workplace relations policy advice**

**Question Number: W146-07**

**Question:**

Senator Wong asked in writing:

By diminishing the state industrial systems Work Choices removes the scope to mount pay equity cases before the state Industrial Relations Commission. a) does DEWR acknowledge the increased burden that this potentially places on state anti-discrimination tribunals? b) Can DEWR advise whether the AFPC is required to consider pay equity issues when fulfilling its functions under the Work Choices Act?

**Answer:**

(a) The equal remuneration provisions of the Work Choices Act extend to all employees whose remuneration is determined by the Act, a law of a State or Territory or a contract of employment made in Australia and includes awards and agreements in federal and state systems. Hence, the equal remuneration provisions in the post-reform Workplace Relations Act are intended to 'cover the field' in relation to equal pay for work of equal value.

However, State and Territory anti-discrimination laws will continue to have effect and employees will continue to be able to access remedies in these jurisdictions. The same applies to federal anti-discrimination laws. Individual employees continue to be able to make complaints to the Human Rights and Equal Opportunity Commission (HREOC) concerning discrimination or harassment (including in employment situations) based on their age, race, colour, descent or national or ethnic origin, sex, pregnancy, marital status or disability.

(b) Under section 222 of the *Workplace Relations Act*, the Australian Fair Pay Commission is required to apply the principle that men and women should receive equal remuneration for work of equal value and to take into account the principles embodied in the *Sex Discrimination Act 1984* and the principles embodied in the International Labour Organisation's Workers with Family Responsibilities Convention, 1981 (C156).