

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

**2006-2007 BUDGET SENATE ESTIMATES HEARING
29TH AND 30TH 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: W148-07

Question:

Senator Wong asked in writing:

In response to W722-06 and W723-06, what minimum rate will apply to workers with a disability or junior worker if the AFPC decides not to set a 'special' FMW for them?

- a) Please specify a dollar amount (do not just refer to another response that does not answer the questions).
- b) Does the Work Choices Act provide a minimum rate under which their wage cannot fall?

Answer:

a) The basic rates of pay that currently apply to employees with a disability and juniors are the same as those that applied to these employees under federal and State awards and legislation immediately before the commencement of the new system. Where there was no basic rate in a federal or State award or legislation, none currently applies. It is not possible to provide a list of all the specific dollar amounts of basic rates of pay contained in preserved APCSs that apply to juniors and employees with a disability.

b) Section 182 of the Work Choices Act provides that an employee must be paid at least their guaranteed basic rate of pay under the relevant APCS. The guarantee in section 190 also provides that the Fair Pay Commission must ensure that this rate does not fall below the rate the employee was entitled to at the commencement of the new system, unless a new rate is provided in a *special* APCS made under section 220.