

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

**SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE
2008-09 BUDGET ESTIMATES HEARING**

Outcome **WORKPLACE AUTHORITY**

Question No. **EW507_09**

Senator Abetz provided in writing.

Question

No Disadvantage Test – Policy Guide

When the Workplace Authority is conducting the No Disadvantage Test can the agency confirm whether every agreement is checked to ensure it contains the Australian Fair Pay and Conditions Standard?

Answer

The Workplace Authority has provided the following response:

It is not the role of the Workplace Authority to check compliance with the Australian Fair Pay and Conditions Standard (the Standard). However in the course of an assessment it may become apparent that the provisions of the agreement might not comply with the provisions of the Standard. In applying the test the Workplace Authority will always apply the provisions of the Standard where an agreement is silent (eg contains no salary rates) or provides for less favourable conditions than the Standard. All notices issued by the Workplace Authority advise parties that they must comply with the provisions of the Standard and a workplace agreement cannot override these provisions. The Workplace Authority will refer matters to the Workplace Ombudsman which appear to demonstrate non-compliance with the Standard.