

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

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

Outcome 4 – Workplace Relations and Economic Strategy

DEEWR Question No. EW0038_13

Senator Abetz provided in writing.

Refers to previous DEEWR Question No EW1157_12

Question

Modern Awards

1. Now that a decision has been made to [sic] the Federal Court, does the Government believe this is good policy?
2. Why did the Government choose not to intervene as it did with the Barclay v. Bendigo Tafe Case?

Answer

1. The decision by the Federal Court is a very clear example of how the processes in the *Fair Work Act 2009* are working as intended. The appeal process provided in the Fair Work Act allows appropriate judicial review of decisions of the Tribunal.
2. Given the appeal related to the facts of the particular matter rather than the proper interpretation of the Fair Work Act, the Government decided not to intervene in the SDA appeal as the parties were best positioned to address these issues.