

**SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE
SUPPLEMENTARY ESTIMATES 2009-10**

Agency Fair Work Australia

DEEWR Question No. EW565_10

Senator Fisher provided in writing.

Question

How many AWA termination applications have been received since 1 July 2009?
How many of these have been determined?
What was the timeframe within which these were determined?
Of the requests received, how many AWAs were affected?

Answer

Fair Work Australia has provided the following response:

How many AWA termination applications have been received since 1 July 2009?

s.170VM(3) - Termination of an AWA by the Commission after the nominal expiry date on application by either party	25
Sch. 3, Item 17 - Application by agreement to terminate individual agreement-based transitional instrument	6056
Sch. 3, Item 19 - Declaration for unilateral termination with FWA approval to terminate individual agreement	234
	6315

How many of these have been determined?

5389 applications to terminate an AWA have been determined

What was the timeframe within which these were determined?

Days from lodgment to determination

Median time taken	9 days
-------------------	--------

Of the requests received, how many AWAs were affected?

Each of the 6315 applications received since 1 July 2009 are in relation to an individual AWA. Item 18 of Schedule 3 of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 provides for the making of a conditional termination that will have the effect of terminating an individual agreement based transitional instrument if an enterprise agreement is made that covers the employee and employer and the proposed enterprise agreement comes into operation. The conditional termination must accompany the application for approval of the proposed enterprise agreement under section 185 of the Fair Work Act 2009. The Fair Work Act 2009 does not require FWA to issue individual orders approving a conditional termination. Consequently, FWA does not maintain readily accessible records as to the number of individual agreement based transitional instruments that will have been conditionally terminated on the operation of an enterprise agreement.