

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

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

Outcome 4 – Workplace Relations and Economic Strategy

DEEWR Question No. EW0660_13

Senator Abetz asked on 17 October 2012 , Hansard page 101

Question

Changes to penalty rates

Senator ABETZ: Can it be explained to me, Parliamentary Secretary, how the Prime Minister was able to say in July that she ruled out changes to areas like penalty rates if it is for the full bench of Fair Work Australia to decide? Senator Jacinta Collins: I have not seen that report, so I will have to take it on notice. Senator ABETZ: If you can take it on notice, please, and ask for an explanation. A handy reference may be the Australian Financial Review of 27 July. Senator Jacinta Collins: Certainly both the Prime Minister and the minister have been quite clear on the government's policy position in relation to penalty rates, but the reference that you are referring to I will need to take on notice.

Answer

The article to which Senator Abetz refers relates to the Prime Minister's address to the NSW ALP conference. The words used by the Prime Minister in her address were "We won't make it easier to cut pay or strip conditions like penalty rates or public holidays".

The Full Bench of the Fair Work Commission (FWC) is currently undertaking the two year review of modern awards (the Review) as required under the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009. As part of this process, the FWC is considering the issue of penalty rates across modern awards.

The Government has made a submission to the Review.

Ultimately, it is a matter for the FWC to make any changes based on applications from relevant parties to the Review.