

**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. EW0661_13

Senator Abetz asked on 17 October 2012 , Hansard page 103

Question

Intervention in modern award review

Senator ABETZ: You have provided words and I think we might have to agree to disagree that those words are an adequate answer. Whose decision was it for the government to intervene in the modern award review? Mr Kovacic: It was a government decision. Senator ABETZ: Who initiated it? Sure, ultimately, it is the minister's decision as to whether the submission goes forward, but who initiated the government making a submission? Was it a departmental suggestion or was it a suggestion that came from the minister's office asking the department to prepare something? Ms Paul: It was a government decision; presumably it was initiated within government. We can take on notice the chain of events.

Answer

In respect of the two year review of modern awards by Fair Work Australia (FWA) the Department provided a range of advice to the Minister and his office including on the conduct of full bench proceedings and possible intervention. The submission to FWA in relation to applications to vary penalty rates in the retail, hospitality, fast food, restaurant and hair and beauty awards was a government submission. The Hon Bill Shorten MP, Minister for Employment and Workplace Relations, exercised his entitlement under Section 597, Subsection 1, of the *Fair Work Act 2009* to make a submission for consideration in relation to a matter before the Full Bench of FWA, having made the assessment that it was in the public interest for him to do so.