

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

Inquiry into *Fair Work Bill 2008*

Question on Notice

Hearing, Perth, 29 January 2009

Minister for Commerce, WA Government

Question from Senator Siewert at pages 22-23 *Committee Hansard*,
29 January 2009:

“would you then be suggesting that there therefore is a process where they are gone through and checked and registered et cetera, like there was under Work Choices?”

Answer

Senator Siewert’s question relates to the WA Government’s view on checking and registration processes for individual flexibility arrangements (IFAs).

IFAs must meet the better off overall test (BOOT). Making available a voluntary checking process for these arrangements could provide certainty for employers and employees that statutory requirements have been met. The WA Government does not object in principle to voluntary checking of IFAs.

However, the WA Government would not support a checking process that in any way resembles the recent experience of excessive delays in checking and registration of workplace agreements. Certainly, that process is contrary to achieving certainty for employers and employees. It is the WA Government’s view that a mandatory checking process for every IFA would result in unnecessary complexity that could frustrate the objective of IFAs achieving flexibility.

The WA Government does not object, however, to a voluntary process for checking IFAs that is expeditious and effective. Indeed, there may be a capacity, with appropriate amendments to the *Fair Work Bill 2008* for State industrial tribunals to assist in providing a service of this nature in an expeditious manner.