



## Minister for Industrial Relations

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The Hon David Morris MP  
Chair  
Public Accounts and Estimates Committee  
Parliament House, Spring Street  
EAST MELBOURNE VIC 3002



Dear Mr Morris

### **BUDGET ESTIMATES FOR 2013-14 QUESTION ON NOTICE MINISTER FOR INDUSTRIAL RELATIONS PORTFOLIO**

Thank you for your letter dated 20 June 2013 requesting a response to the question taken on notice during the 16 May 2013 Budget Estimates hearing for the Industrial Relations portfolio.

Please find enclosed the response to the question taken on notice.

Yours sincerely

**ROBERT CLARK MP**  
Minister for Industrial Relations

29/7/13

**Please explain the reasons why the Department of Treasury and Finance is considering the Parliamentary electorate officers' enterprise bargaining agreement, including whether or not the Department is checking compliance with the Government's public sector industrial relations policy. In providing an explanation, please address the evidence provided to the Committee by the Presiding Officers at their budget estimates hearing (pages 16-17).**

The Department of Treasury and Finance (DTF) considered the proposed enterprise agreement relating to electorate officers in accordance with long-standing practice, including under the previous government, for the purpose of providing advice to both the Parliament and the Government as to whether or not the proposed agreement was consistent with current government public sector workplace relations policies.

This role of DTF was acknowledged by the President of the Legislative Council in his evidence to PAEC at p.16:

*We then had to have the agreement considered by DTF; they have to run a rule over it to make sure that we have not stepped outside the parameters the government has set in terms of its negotiations with other agencies.*

Consideration by DTF of consistency of the proposed agreement with the Government's Public Sector Workplace Relations policies included considering the proposed enterprise agreement's compliance with State and Commonwealth legislation and Commonwealth constitutional powers, having regard to court and tribunal decisions including but not limited to *Re AEU; ex parte Victoria* (1995) 184 CLR 188, *Victoria v The Commonwealth* (1996) 187 CLR 416 and most recently *Parks Victoria v The Australian Workers' Union and others* [2013] FWCFB 950.

I am informed that the proposed agreement has been put to ballot and subsequently was carried on 22 July 2013 and that the agreement has since been submitted to the Fair Work Commission for review and certification. Should the agreement be certified by the Commission, electorate officers covered by the new agreement will have their salaries adjusted to reflect the commencement date of the agreement which I am advised is 1 June 2013.