LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
JEREMY HANSON MLA (CHAIR), MICHAEL PETTERSSON MLA (DEPUTY CHAIR), SUZANNE ORR MLA, MARK PARTON MLA

Inquiry into referred 2015–16 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE
27 February 2017

QON 2* Asked by MR COE:

In relation to: Workplace Agreements

1. In relation to Question Taken on Notice 16 on 27 February 2017, provide the expiry date for each Workplace Agreement?
2. If there is no expiry date, are the Agreements ongoing in perpetuity?
3. Have any of the Agreements been renegotiated or had terms added at any point since they first came into force?
    a. If yes, please outline the changes and the date at which the changes first came into effect.
4. What allowances for salary increases have been inbuilt into each Agreement?
5. What is the total cost of the Agreements:
    a. In 2015-16?
    b. Since the Agreements were signed?

CHIEF MINISTER: The answer to the Member's question is as follows:–

1. Australian Workplace Agreements included a 'nominal' expiry date, but the *Workplace Relations Act 1996* provided that Agreements continue in perpetuity until terminated by the Fair Work Commission. The *Fair Work Act 2009* continued this arrangement.

2. See response to question one above

3. This information is not readily available. AWAs were used by the ACTPS in the period from 1999-2004. While no AWAs have been amended since that time, in the 5 year period between 1999-2004 some may have been amended from their original terms. Given the period of AWA use predates the introduction of the Shared Services centralised payroll function, this information is not held in the payroll system and cannot be gathered without a manual inspection of each individual AWA. As the files are held in storage and some employees may have moved between directorates, the information may be in multiple directorate registries. Gathering and assessing this information would impose a significant resource imposition.

4. This information is not available. The intent of the introduction of AWAs was that they were individual agreements struck (potentially) with differing outcomes for each individual. The payroll

system will show where increases have been applied, however this will not identify the nature of the pay increase arrangement (e.g. if it is increased along with pay increases from the enterprise agreement process or on some other basis) or whether non-cash benefits are also received.

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5. This information is not available. The methodology required to determine the value of each AWA would involve a pay-by-pay reconciliation and comparison of pay the AWA recipient received compared to the standard pay for the person's classification. In addition, where non-cash benefits were provided, an assessment of the value of those benefits at that time would need to be included.
    a. For question 5a (2015-16 results) this could be completed within a reasonable period of time.
    b. Conducting the same exercise over an 11 – 18 year period is significantly more complex because it involves the reconciliation of potentially incompatible pay records from both the current payroll system and archived data from the previous payroll system(s). Given the AWAs cover periods of time that vary between 11 and 18 years, this would involve manual reconciliation of up to 470 pay periods per person and would impose a significant resource imposition.

Approved for circulation to the Standing Committee on Economic Development and Tourism

Signature: Andrew Barr   Date: 17.3.17

By the Chief Minister, Andrew Barr MLA