

Document 2

From:
Sent: Tuesday, 11 December 2012 4:55 PM
To:
Subject: Ministerial 115420 [DLM=For-Official-Use-Only]
Attachments: Reply_03_26-11-2012.docx; vSHL2_115420_Scan.pdf

Hey

Can you please check with your office that they are ok with the content of this ministerial reply? Apparently the issues are quite sensitive and wants to make sure you are ok with it before he gives it to the AT to sign.

Thanks!

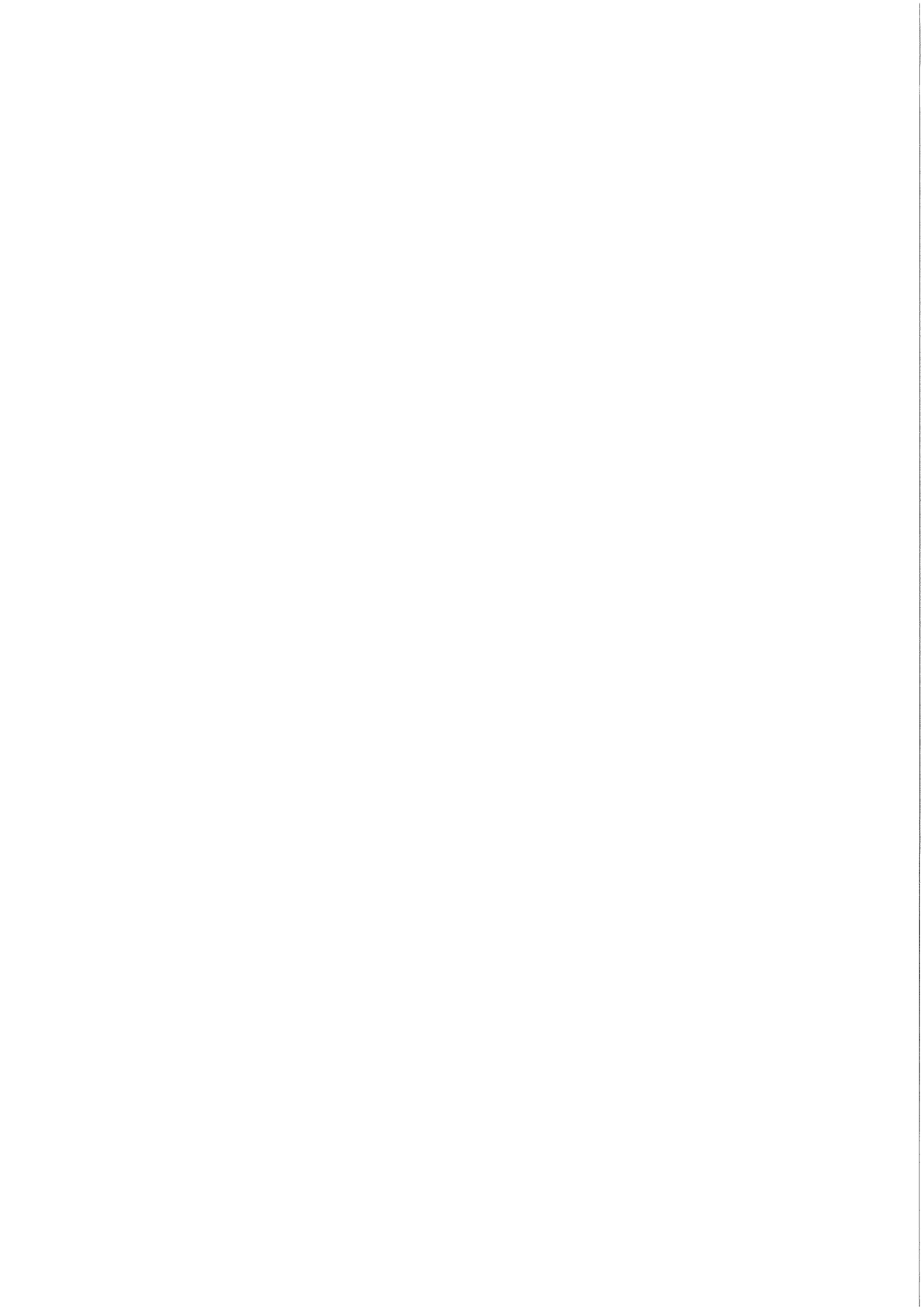
I Departmental Liaison Officer

Office of The Hon David Bradbury MP

Assistant Treasurer and Minister Assisting for Deregulation I Member for Lindsay
Parliament House I Canberra ACT 2600

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The Hon David Bradbury MP
Assistant Treasurer
Minister Assisting for Deregulation

Senator the Hon Eric Abetz
Senator for Tasmania
GPO Box 1675
HOBART TAS 7001

Dear Mr Abetz

Thank you for your letters of 5 December 2011 and 11 January 2012 to the Chairman of the Productivity Commission concerning the post implementation review of the *Fair Work Act 2009* (FW Act). Your letters have been referred to me as I have portfolio responsibility for the Productivity Commission. I apologise for the delay in responding to you.

Under section 6 of the *Productivity Commission Act 1998* (the PC Act), only I, as the responsible Minister, can commission an inquiry. Further, requests for research services under section 20 of the PC Act require my written consent.

In this case, I have not requested the Productivity Commission undertake a review of the FW Act. Instead, as you are aware, on 20 December 2011 the Government announced that the review of the FW Act would be conducted by Reserve Bank Board member Dr John Edwards, former Federal Court Judge, the Honourable Michael Moore and noted legal and workplace relations academic Professor Emeritus Ron McCallum AO.

The review was conducted in accordance with the requirements for a post-implementation review set by the Office of Best Practice Regulation (OBPR). The very broad terms of reference set by Government included that the review would be an evidence-based assessment of the operation of the Fair Work legislation, and the extent to which its effects have been consistent with the Objects set out in Section 3 of the FW Act. The review involved extensive consultation, including the release of a background paper and submission process as well as meetings with key stakeholders.

The Fair Work Act Review Panel's final report, *Towards more productive and equitable workplaces: An evaluation of the Fair Work legislation*, was released on 2 August 2012. The report concluded that: the FW Act is operating broadly as intended, in accordance with the object of the legislation; that the FW Act has not resulted in an increase to the number of days lost to industrial action, disproportionate increases to unfair dismissal claims, labour costs, increased compliance costs or complexity; and that the FW Act does not impede productivity growth. The review was formally assessed as meeting the requirements of a post-implementation review by the OBPR.

The Minister for Employment and Workplace Relations announced the first tranche of the Government's response to the Review on 15 October 2012, including immediate implementation of recommendations that are broadly supported and a number of technical amendments. The Government continues to consult with stakeholders on the remaining recommendations, and will respond to them in due course.

Thank you again for your letters and I hope this information will be of assistance to you.

Yours sincerely

DAVID BRADBURY



The Hon David Bradbury MP
Assistant Treasurer
Minister Assisting for Deregulation

Senator the Hon Eric Abetz
Senator for Tasmania
GPO Box 1675
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The Government is currently considering the report, and will respond in due course.

Thank you again for your letters and I hope this information will be of assistance to you.

Yours sincerely

DAVID BRADBURY

PO Box 6022
Parliament House
Canberra ACT 2600

Telephone: 02 6277 7360
Facsimile: 02 6273 4125
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Is this still
current?



The Hon David Bradbury MP
Assistant Treasurer
Minister Assisting for Deregulation

Senator the Hon Eric Abetz
Senator for Tasmania
GPO Box 1675
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The review will be conducted in accordance with the requirements for a post-implementation review set by the Office of Best Practice Regulation. The very broad terms of reference set by Government include that the review will be an evidence based assessment of the operation of the Fair Work legislation, and the extent to which its effects have been consistent with the Objects set out in Section 3 of the FW Act. The terms of reference provide that the review will involve extensive consultation, including the release of a background paper and submission process as well as meetings with key stakeholders, and will report to the Government by 31 May 2012.

Thank you again for your letters and I hope this information will be of assistance to you.

Yours sincerely

DAVID BRADBURY

Should
be
updated
to
reflect
the
report.



The Hon David Bradbury MP
Assistant Treasurer
Minister Assisting for Deregulation

Senator the Hon Eric Abetz
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I trust this information will be of assistance to you.

Yours sincerely

DAVID BRADBURY

incorrect last
line: for
correction.



115420



PARLIAMENT OF AUSTRALIA - THE SENATE

Senator the Hon

Eric Abetz

Leader of the Opposition in the Senate
Shadow Minister for Employment and Workplace Relations
Liberal Senator for Tasmania

5 December 2011

COPY

Mr Gary Banks AO
Chairman,
Productivity Commission
Level 2, 15 Moore Street
CANBERRA CITY ACT 2600

Correspondence Received	
Office of the Deputy Prime Minister & Treasurer	
<input type="checkbox"/> Substantive response	To be <input type="checkbox"/> DPM
<input type="checkbox"/> Constituent response	signed by: <input type="checkbox"/> Chief of Staff
<input type="checkbox"/> Acknowledgment	<input type="checkbox"/> Adviser
- 5 DEC 2011	
<input checked="" type="checkbox"/> Refer to policy area for appropriate action	<input type="checkbox"/> URGENT
<input type="checkbox"/> Refer to appropriate Minister	<input type="checkbox"/> No Further Action
<input type="checkbox"/> Refer to appropriate Tsy Minister	<input type="checkbox"/> Other

Dear Mr Banks

Under Part 3, Division 20 of the *Productivity Commission Act 1998* I request the Productivity Commission undertake a review of the Fair Work Act and its impact on employers, employees the community and governments.

The Government committed to a post implementation review two years from the full implementation of the Act. The Minister for Tertiary Education, Skills, Jobs and Workplace Relations committed to releasing the details of this review by the end of November¹ but is yet to release those details.

It is the Coalition's view that the Productivity Commission is best placed to perform the review and given the Government's failure to release the details, we make this request.

Should the Government provide consent to this request, I draw your attention to Part 18 of the Explanatory Memorandum of the *Fair Work Act 2009* in relation to the post-implementation review:

...This review will provide a comprehensive analysis of how the Government's new workplace relations system is operating and its impact on employers, employees, the community and governments. The review will assess if the provisions in the Bill have led to any differential impacts across regions, industries and occupations.

¹ Senate Estimates, October 2011

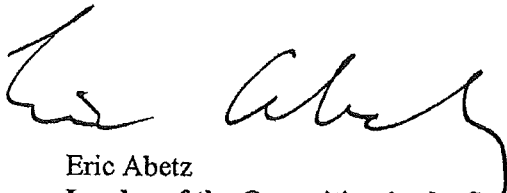
...advancing Tasmania's interests.

This statement should provide an adequate scope to the Productivity Commission for a review of these laws. I would anticipate the Productivity Commission would take submissions and hold hearings ahead of the release of a final report no later than 30 June 2012.

It is worth noting that a considerable number of employers, employees and the groups that represent both have expressed considerable concerns both in public and to me directly and such a review would allow for a full ventilation of the issues parties have with the Fair Work Act.

I look forward to your response and please feel free to contact me if you wish to discuss these matters in more detail.

Yours sincerely



Eric Abetz

Leader of the Opposition in the Senate

Shadow Minister for Employment and Workplace Relations

Liberal Senator for Tasmania

CC: *The Hon. Wayne Swan MP, Treasurer*
Senator the Hon. Chris Evans, Leader of the Government in the Senate

