

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2006-2007 ADDITIONAL SENATE ESTIMATES HEARING  
15 FEBRUARY 2007  
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Outcome 2:** Higher productivity, higher pay workplace

**Output Group 2.1:** Workplace relations policy and analysis

**Output 2.1.2:** Workplace relations legislation development

**Question Number:** W1179-07

**Question 1:**

Senator Wong asked in writing:

**Work Choices amendments** Did the amendments to the Workplace Relations Act from the Workplace Relations Amendment (Independent Contractors) bill give the Minister the power to determine who is or isn't a shift worker, not according to the hours they work, but the type of work they do or their industry?

**Answer 1:**

No.

**Question 2:**

What is the intention of this amendment?

**Answer 2:**

Section 228 of the *Workplace Relations Act 1996* defines 'shift worker' for the purposes of the entitlement under subsection 232(3) to accrue an additional week of paid annual leave each year.

As noted in the Supplementary Explanatory Memorandum, subsection 228(2) enables regulations to be made to exclude shift workers in a specified class from the entitlement under subsection 232(3) to accrue an additional week of paid annual leave each year. Subsection 228(3) makes clear that, without limiting the scope of the regulation-making power, a specified class may be described by reference to a particular industry, particular kinds of work (for example, by occupation), a particular type of employment or a particular type of shift work.

The amendment enables the regulations to more precisely target the additional annual leave entitlement for shift workers.

**Estimated cost:** Based on the FOI calculator it has taken approximately 2 hours and 15 minutes at an estimated cost of \$44 to prepare this answer.