

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2011-2012**

Outcome 5 - Workplace Relations & Economic Strategy

DEEWR Question No. EW1150_12

Senator Abetz asked on 15 February 2012 , Hansard page 119

Question

Appointments - Mr Lee resignation

Senator ABETZ: Thank you. A simple yes would have done. Was the department aware before 2 September? The answer to that is yes. Did Mr Lee leave as general manager immediately thereafter? Mr Kovacic: Mr Lee resigned, if that is the correct word—he took up his appointment as a commissioner of Fair Work Australia on 8 September, so his last day, from memory, would have been 7 September. Senator ABETZ: Can you please take on notice for me when he actually did leave— Mr Kovacic: Certainly. Senator ABETZ: the Fair Work Australia administrative side to go to the commission side? Mr Kovacic: The appointment was made by the Governor-General on 1 September and he commenced as a commissioner on 8 September, as I mentioned. Senator ABETZ: Just as a technical point, for the appointment, did he have to resign before the Governor-General— Mr Kovacic: No. I will double-check on this as well, but I think that technically the appointment is not made until the Governor-General makes the appointment and— Senator ABETZ: So you would not want to resign beforehand, would you? Mr Kovacic: No. You would be perhaps in limbo, if I can describe it that way. Senator ABETZ: Or do they resign pending the Governor-General's commission? Mr Kovacic: I will take that on notice.

Answer

Mr Lee's resignation as General Manager Fair Work Australia took effect on 7 September 2011. The Governor-General signed the instrument of appointment on 1 September 2011, with the appointment to commence on 8 September 2011.

It is the usual practice for appointees to resign their current position after consideration of their nomination by the Governor-General in Executive Council, so as to not pre-empt the outcome of that consideration.