

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

**2005-2006 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING
2 and 3 NOVEMBER 2005**

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 2.1.1: Workplace relations policy advice

Question Number: W601-06

Question:

Senator Marshall asked in writing:

At 3.3, page 18, *WorkChoices* states that current awards provisions covering annual leave, personal/carer's leave and parental leave will be preserved and those more generous than the Fair Pay and Conditions (FPAC) Standard will continue to apply. These preserved award conditions will not form part of the Fair Pay and Conditions standard for agreement making.

At 6.2, p. 33, *WorkChoices* states that annual leave, personal/carer's leave and parental leave will be removed from awards.

Is 3.3 correct or 6.2 – will leave provisions be removed from awards or remain there?

Answer:

Annual, personal/carer's and parental leave entitlements will be enshrined in legislation as part of the Australian Fair Pay and Conditions Standard. These forms of leave will no longer be allowable award matters and will not be able to be varied by the Australian Industrial Relations Commission.

Existing award provisions relating to annual, personal/carer's and parental leave will be preserved and, where they are more generous than the Fair Pay and Conditions Standard, will continue to apply to existing and new employees covered by awards. Where award provisions are equal to or less than the Fair Pay and Conditions Standard, the Standard will apply and the award provision will cease to have effect.

The manner by which any preserved provisions are reflected in awards is a matter for consideration by the Award Review Taskforce.