

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

**QUESTIONS ON NOTICE  
Additional Estimates 2010-2011**

**Outcome 5 - Workplace Relations**

**DEEWR Question No.EW1029\_11**

**Senator Fisher asked on 23/02/2011, Hansard page 130.**

**Question**

**ANNUAL LEAVE LOADING**

Senator FISHER—I gather from that you would not have advised the government about this issue because it was not an issue at the time. Mr Kovacic—That is a fair assumption, but I would need to take it on notice. Senator FISHER—Section 90 of the Fair Work Act deals with the new employment standards, so is it a fair assumption that the department, like the industry stakeholders—both employer and employee—considered that the new employment standards dealt with minimum obligations, that annual leave loading was something outside minimum obligations and would be left to be dealt with, as it has traditionally been dealt with, in awards or agreements? Would that not be a fair assumption? Mr Kovacic—It would be a reasonable assumption. Senator FISHER—That would be why it was not raised with you by the parties and why neither you nor the government raised it with the parties. Was it raised during debate in parliament? Mr Kovacic—I do not know that. I would have to take that on notice.

**Answer**

According to Hansard records, this particular issue was not raised during debate in Parliament.