

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

**2003-2004 SUPPLEMENTARY BUDGET ESTIMATES HEARING  
6 NOVEMBER 2003**

**OFFICE OF THE EMPLOYMENT ADVOCATE**

**QUESTIONS ON NOTICE**

**Question Number: W147-04**

**Question:**

Senator Webber asked in writing:

Is it the case that the OEA accepts that so long as an AWA replaces penalty rate provisions in awards or agreements with the right of the employee to a clear and unfettered choice on working hours then the no-disadvantage test is deemed to have been met?

**Answer:**

No.