

2013-2014-2015

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Fair Work Amendment (Gender Pay
Gap) Bill 2015**

No. , 2015

(Senator Waters)

**A Bill for an Act to amend the *Fair Work Act 2009*,
and for related purposes**

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A Bill for an Act to amend the *Fair Work Act 2009*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Fair Work Amendment (Gender Pay Gap) Act 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of the Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Fair Work Act 2009

1 Paragraph 5(8)(b)

Omit “and high-income employees”, insert “, high income employees and certain terms that have no effect”.

2 Section 321

After:

Division 3 is about the guarantee of annual earnings that may be given to a national system employee whose earnings exceed the high income threshold. Modern awards do not apply to such an employee.

Insert:

Division 4 is about terms that have no effect.

3 At the end of Part 2-9

Add:

Division 4—Certain terms have no effect

333B Terms prohibiting disclosure of pay have no effect

A term of a modern award, an enterprise agreement or a contract of employment has no effect to the extent that the term:

- (a) prohibits an employee from disclosing the amount of, or information about, the employee’s pay or earnings; or
- (b) permits, or has the effect of permitting, an employer to take adverse action against an employee if the employee discloses the amount of, or information about, the employee’s pay or earnings.

4 At the end of Schedule 1

Add:

**Part 3—Amendments made by the Fair Work
Amendment (Gender Pay Gap) Act 2015**

13 Definitions

In this Part:

amended Act means this Act as amended by the *Fair Work Amendment (Gender Pay Gap) Act 2015*.

14 Application of section 333B

Section 333B of the amended Act applies in relation to a modern award, enterprise agreement or a contract of employment that is in operation on or after the day on which this item commences, whether or not the award, agreement or contract was made or entered into before that day.