EXPLANATORY STATEMENT

Issued by the authority of the Minister for Employment and Workplace Relations

Subject - Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012

Proclamation

The Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012 (the Act) amends the Fair Work Act 2009 (FW Act). Schedule 1 to the Act contains the amendments made to the FW Act in respect of outworkers. ‘Outwork’ refers to work performed by workers outside regular business premises, often in the worker’s own home. Outworkers may be either employee outworkers or contract outworkers (see section 12 of the FW Act).

Schedule 1 to the Act amended the FW Act to:

- extend the operation of most provisions of FW Act to contract outworkers in the textile, clothing and footwear (TCF) industry;
- create a mechanism that enables contract and employee outworkers to recover unpaid amounts from other entities in the supply chain, where they were not paid by the person directly responsible for doing so (see Division 3 of Part 6-4A of the FW Act as amended);
- include a capacity for a TCF code of practice to be issued, which may impose obligations on entities in the supply chain who arrange for work to be performed by outworkers in the TCF industry; and
- extend the coverage of specific TCF outworker right of entry rules provided for in the FW Act to the TCF industry more broadly (see Part 3-4 of the FW Act, which deals with right of entry).

The Act received Royal Assent on 15 April 2012. Section 2 of the Act provides that Schedule 1 of the Act will commence on a day to be fixed by Proclamation.

The Proclamation fixed 1 July 2012 as the day on which Schedule 1 to the Act commenced.

The commencement of Schedule 1 of the Act was proclaimed to be 1 July 2012 to ensure that outworkers in the TCF industry are able to take advantage of the protections and entitlements provided by the Act without delay.

The Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Prime Minister granted an exemption from the requirement to prepare a Regulation Impact Statement.

The Proclamation commenced the day after registration on the Federal Register of Legislative Instruments.