

EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 24

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

Workplace Relations Act 1996

Workplace Relations Amendment Regulations 2007 (No. 1)

The principal object of the *Workplace Relations Act 1996* (the Act) is to provide a framework for cooperative workplace relations which promotes the economic prosperity and welfare of the people of Australia.

Section 846 of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out, or giving effect to, the Act.

Part 22 of the Act relates to contract outworkers in Victoria in the textile, clothing and footwear industry. This Part allows regulations to be made with respect to a number of matters about outworkers. As Part 22 is repealed by the *Workplace Relations Legislation Amendment (Independent Contractors) Act 2006*, regulations made under this Part will no longer have effect.

Parts 19A and 22 of Chapter 2 of the *Workplace Relations Regulations 2006* are made under the power in Part 22 of the Act. Part 19A sets out record-keeping requirements under the regulation-making power in section 913 of the Act. Part 22 of Chapter 2 deals with certain court proceedings by contract outworkers in Victoria under the regulation-making power in section 911 of the Act. As the power to make these regulations will be repealed, it is desirable that these redundant regulations be removed from the statute book. The Regulations remove those redundant provisions, while providing for transitional arrangements.

Details of the Regulations are in the [Attachment](#).

The Regulations commence on 1 March 2007.

ATTACHMENT

Details of the *Workplace Relations Amendment Regulations 2007 (No. 1)*

Regulation 1 - Name of the Regulations

This regulation provides that the title of the Regulations is the *Workplace Relations Amendment Regulations 2007 (No. 1)*

Regulation 2 - Commencement

This regulation provides that the Regulations will commence on 1 March 2007.

Regulation 3 - Amendment of the *Workplace Relations Regulations 2006*

This regulation provides that Schedule 1 to the Regulations amends the *Workplace Relations Regulations 2006* (the Principal Regulations).

Regulation 4 - Transitional

This regulation sets out transitional arrangements for investigations and proceedings commenced before 1 March 2007 under Part 19A and Part 22 of Chapter 2 of the *Workplace Relations Regulations 2006*.

The *Workplace Relations Legislation Amendment (Independent Contractors) Act 2006* repeals Part 22 of the Act. Part 19A and Part 22 of Chapter 2 of the Principal Regulations which were made under repealed Part 22 of the Act will cease to have effect given that repeal.

This regulation provides that:

- despite the repeal of Part 19A of Chapter 2 of the Principal Regulations, those regulations, as in force before 1 March 2007, will continue to apply in relation to an investigation or proceeding in relation to a breach, or suspected breach, of any regulations in that Part that was commenced before 1 March 2007 and not completed or finally determined before that date.
- despite the repeal of Part 22 of Chapter 2 of the Principal Regulations, those regulations, as in force before 1 March 2007, will continue to apply in relation to an investigation or proceeding in relation to a breach, or suspected breach, of subsection 905(1) of the Act that was commenced before 1 March 2007 under Part 22 of the Act and was not completed or finally determined before that date.

Schedule 1 – Amendments

These amendments repeal regulations that have become redundant as a result of the repeal of Part 22 of the Act. They also remove a cross-reference to these provisions. Schedule 1 would ensure that these regulations, and references to them, are omitted from the Principal Regulations.

Item [1] - Chapter 2, Part 19A

Item [3] - Chapter 2, Part 22

Item 1 omits Chapter 2, Part 19A and item 3 omits Chapter 2, Part 22 of the Principal Regulations. The omission of those Parts is consequential on the repeal of Part 22 of the Act by the *Workplace Relations Legislation Amendment (Independent Contractors) Act 2006*.

Item [2] - Chapter 2, Part 19B, paragraph 19.45(2)(a)

This item omits the reference to repealed Part 19A of Chapter 2 in paragraph 19.45(2)(a) in Chapter 2, Part 19B of the Principal Regulations.