

EXPLANATORY STATEMENT

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

Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008

Proclamation

Under subsection 2(1) of the *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* (the Act) Schedules 1 to 7 to the Act commence on a single day to be fixed by Proclamation. However, if any provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.

The Act received the Royal Assent on 25 March 2008.

The Proclamation fixes 28 March 2008 as the day on which Schedules 1 to 7 to the Act commence. All provisions of the Act, other than Schedules 1 to 7, commenced on 25 March 2008.

Schedule 1 to the Act amends the *Workplace Relations Act 1996* (the WR Act) to provide a transitional framework for workplace agreements. Schedule 1 to the Act:

- prevents the making of new Australian Workplace Agreements;
- creates a new transitional workplace agreement called an Individual Transitional Employment Agreement for limited use during the transition period; and
- replaces the fairness test with a new no-disadvantage test.

Schedule 2 to the Act amends the WR Act to enable the Australian Industrial Relations Commission to begin the process of award modernisation.

Schedule 3 to the Act confines the functions of the Australian Fair Pay Commission to those necessary to ensure the maintenance of minimum wages.

Schedule 4 to the Act repeals provisions of the WR Act relating to the Workplace Relations Fact Sheet.

Schedules 5 and 5A to the Act respectively provide for the extension and variation of pre-reform certified agreements and preserved collective State agreements in certain circumstances. Schedule 5 also contains provisions dealing with the continuation and termination of old IR agreements.

Schedule 6 to the Act extends the operation of notional agreements preserving State awards to 31 December 2009 or any later date prescribed by regulation. Schedule 7 to the Act provides that the registration of a transitionally registered association will end to 31 December 2009 or a later date prescribed by regulation.

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