

EXPLANATORY STATEMENT

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

Fair Work Act 2009

Proclamation

Subsection 2(1) of the *Fair Work Act* (the Act) provides that sections 3 to 40 of the Act commence on a single day to be fixed by proclamation. However, if any of the provisions of sections 3 to 40 do not commence within twelve months of the date the Act receives the royal assent, then those provisions commence on the first day after the end of that twelve month period. The Act received the Royal Assent on 7 April 2009.

The Proclamation fixes 26 May 2009 as the day on which sections 3 to 40 of the Act commence. Under subsection 2(1) of the Act, sections 573 to 718 of and Schedule 1 to the Act commence at the same time as sections 3 to 40.

The Act will replace the *Workplace Relations Act 1996*, and will govern federal workplace relations.

The Proclamation commences the provisions which establish the institutional framework for the new workplace relations system. These provisions are contained in sections 573 to 718 (Chapter 5 – Administration) of the Act. The Proclamation also commences related provisions which support the early commencement of the institutional framework. These provisions include the objects, definitions and application provisions (sections 3 to 40) and transitional provisions (Schedule 1). The transitional provisions appoint the current President of the Australian Industrial Relations Commission as the inaugural President of Fair Work Australia.

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