

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Employment Participation.

Fair Work Act 2009

Proclamation

Items 3 and 5 of subsection 2(1) of the *Fair Work Act 2009* (the Act) provide that sections 41 to 572 and 719 to 800 of the Act commence on a day to be fixed by Proclamation. However, a Proclamation must not specify a day that occurs before the day on which the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (the T&C Act) receives the Royal Assent.

The T&C Act received Royal Assent prior to this Proclamation. The Act received Royal Assent on 7 April 2009.

The purpose of the Proclamation is to fix:

- 1 July 2009 as the day on which sections 41 to 43, 50 to 54, 58, 169 to 281A, 300 to 327, 332, 333, 334 to 572, 719 to 740 and 769 to 800 of that Act commence; and
- 1 January 2010 as the day on which sections 44 to 49, 55 to 57A, 59 to 168, 282 to 299, 328 to 331, 333A and 741 to 768 of that Act commence.

Sections 41 to 333A of the Act set out the terms and conditions of employment, including provisions relating to the National Employment Standards, modern awards, enterprise agreements, workplace determinations, minimum wages, equal remuneration and transfer of business. Sections 334 to 572 of the Act set out the rights and responsibilities of employees, employers and organisations, including general protections, unfair dismissal, industrial action, right of entry and stand down provisions. Sections 719 to 800 of the Act cover miscellaneous provisions.

The sections dealing with the National Employment Standards and modern awards commence on 1 January 2010, with the remaining sections commencing on 1 July 2009. This is consistent with commitments made by the Government.

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