

## Attachment D

### Tasmanian Local Government / Water Corporation transfer of employment.

The table summarises uncertainties during 1 July 2009 - 1 July 2010

Date	Event	Unknown Effect
1 July 2009	<ul style="list-style-type: none"> <li>• Two hundred (plus) Tasmanian Local Government employees will transfer from 29 councils to 4 new Tasmanian water Corporations.</li> <li>• 4 federal Awards and 29 Enterprise Agreements currently bind the 29 councils</li> <li>• New IR Legislation "Fair Work Bill" comes into force.</li> <li>• Transitional "Fair Work" provisions will come into force "sometime around middle of 2009"</li> </ul>	<ul style="list-style-type: none"> <li>• In January 2009 it is unknown exactly what transfer of employment provisions will bind employers and apply to employees?</li> <li>• What will "Fair Work" Act and transitional provisions provide on 1/7/09?</li> <li>• What will Fair Work regulations require of employers on 1/7/09?</li> <li>• Will current Workplace Relations Act and regulations continue to apply under transitional provisions on and after 1/7/09?</li> <li>• Will existing awards and EBAs continue to apply and if so for what period of time?</li> <li>• Will 4 Awards and 29 Enterprise Agreements apply only for 12 months during a transmission period as per Workplace Relations Act</li> <li>• Will "Fair Work" Act apply 1/7/09 with no 12 month transmission period</li> <li>• How will federal legislation interact with the TAS state Water and Sewage Corporations Act?</li> </ul>

1 Jan 2010	<p>Substantive “Fair Work” legislation comes into force with :</p> <ul style="list-style-type: none"> <li>• A Modern Safety Net Water</li> <li>• New National Employment Standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Will the existing Local Government awards and existing EBAs continue to apply until the conclusion of the 12 months transmission period on 1/7/2010?</li> <li>• Will the new modern water award and National Employment Standards apply on 1 January 2010 and replace the current local government awards?</li> </ul>
1 July 2010	12 months transmission period or not?	<ul style="list-style-type: none"> <li>• Will 12 months transmission period end 1/7/10 under Workplace Relations Act.</li> <li>• Will “Fair Work” legislation replace transmitted TAS Local Government awards with a Modern Water Award and National Employment Standards on 1/7/10</li> <li>• On 1/7/2010 will the 12 months transmission period end and can a new EBA be negotiated and a bargaining period be notified and can protected action be invoked under the Workplace Relations Act applying through transitional provisions.</li> </ul>
1 Jan 2009 – 1 July 2010		<ul style="list-style-type: none"> <li>• After 1/7/2010 can a new EBA be negotiated and a bargaining period be notified before the expiry date of <u>all</u> 29 applicable enterprise agreements and when can protected action be invoked under the Fair work Act? **</li> </ul>

**\*\* NB:** There are 29 enterprise agreements in operation with varying expiry dates. Is protected action legally available to be taken in support of a new EBA replacing the 29 EBAs or is it delayed (handicapping employees bargaining power) until all 29 EBAs have nominally expired over a period of several years or can protected action be embarked upon piecemeal as EBAs expire?.