

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

**SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE
2008-09 BUDGET ESTIMATES HEARING**

Outcome 9

DEEWR Question No. EW97_09

Senator Abetz provided in writing.

Question

Forward With Fairness

Which agreements made after the introduction of the Government's transitional legislation (28 March 2008) can be extended or varied prior to their nominal expiry date?

Answer

All workplace agreements made after the introduction of *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* may be varied or extended by the parties.

Section 367 of the *Workplace Relations Act 1996* provides that a workplace agreement can be varied at any time while it is in operation.

However, Individual Transitional Employment Agreements can only be varied until 31 December 2009 or extended so that the agreement's nominal expiry date is no later than 31 December 2009.

Any such variations must be made and approved in accordance with the requirements of the Act.