

# Chapter 1

## Introduction

### Reference

1.1 On 19 March 2009, the Hon Julia Gillard MP, Minister for Education, Employment and Workplace Relations, introduced the Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009 (the bill) in the House of Representatives. On the same day, the Senate referred the provisions of the bill to the Senate Standing Committee on Education, Employment and Workplace Relations for report by 7 May 2009.

### Conduct of the inquiry

1.2 Notice of the inquiry was posted on the committee's website and advertised in *The Australian* newspaper, calling for submissions by 9 April 2009. The committee also directly contacted a number of interested parties, organisations and individuals to notify them of the inquiry and to invite submissions. 32 submissions were received as listed in Appendix 1.

1.3 The committee conducted public hearings in Sydney on 20 April 2009 and Canberra on 29 and 30 April 2009.

1.4 Witnesses who appeared before the committee are listed at Appendix 2.

1.5 Copies of the Hansard transcript from the hearings are tabled for the information of the Senate. They can be accessed on the internet at <http://aph.gov.au/hansard>.

### Background

1.6 The Fair Work Bill 2008 gave effect to the government's election commitment to implement a new workplace relations system. It was considered by this committee in its report tabled on 27 February 2009.<sup>1</sup> Transitional and consequential arrangements to operate with the Fair Work Bill are to be set out in two separate bills. The first of these is dealt with in this report and the second will be introduced in May 2009, which will make consequential amendments to all other Commonwealth legislation and deal with amendments consequential on any state referrals of power that have been completed by that time.<sup>2</sup>

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1 Senate Education, Employment and Workplace Relations Committee, Report on the Fair Work Bill 2008 [Provisions], 27 February 2009.

2 DEEWR, *Submission 18*, p. 1.

1.7 As with the Fair Work Bill, the proposed transitional and consequential arrangements have been considered by representatives of employee and employer organisations in the Committee on Industrial Legislation and by officials from state and territory governments.<sup>3</sup>

### **Purpose of the bill**

1.8 This bill details the transition of current workplace arrangements under the Workplace Relations Act (WR Act) to the new system under the Fair Work Act (FW Act). It repeals the *Workplace Relations Act 1996* (other than Schedule 1, which deals with registered organisations and Schedule 10, which deals with transitional registered organisations), creates a stand alone Act and renames it the *Fair Work (Registered Organisations) Act 2009* to reflect the remaining content.

1.9 The bill also covers issues which include:

- how existing workplace instruments will interact with the new system;
- arrangements to enable bargaining under the new system to commence;
- arrangements for the transfer of assets, functions and proceedings from WR Act institutions to Fair Work Australia and the Fair Work Ombudsman; and
- consequential amendments to Commonwealth legislation essential to the operation of the Fair Work Bill such as the creation of the Fair Work Divisions of the Federal Court and the Federal Magistrates Court.<sup>4</sup>

### **Timing**

1.10 The *Fair Work Act 2009* is expected to take effect from 1 July 2009. However, there are two start dates for the new system with most provisions to take effect from 1 July 2009 but the National Employment Standards (NES), and modern awards to start from 1 January 2010. The period between these dates is called the 'bridging period' and requires particular arrangements.

### **Acknowledgements**

1.11 The committee thanks those who assisted with the inquiry.

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3 Hon Julia Gillard MP. Minister for Workplace Relations, Second Reading Speech, *House of Representatives Hansard*, 19 March 2009, p. 6.

4 Ibid.