

# Legalquotes News

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## NEW WORKPLACE LAWS

With the election of the Labor Government in November 2007, one of the first initiatives was to implement the Labor Party's election promises to remove the "Work Choices" employment regime from the Australian Industrial Relations landscape. To this end, on 13 February 2008, a Bill entitled the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 was introduced into the Federal Parliament. This legislation seeks to amend the Workplace Relations Act 1996 (Cth).



One of the main changes proposed by the amending legislation is to put in place transition arrangements to effect the abolition of Australian Workplace Agreements (AWAs).

Under the proposed new Schedule 7A to the Workplace Relations Act, AWAs will cease as an industrial instrument from the day the Bill is passed into law.

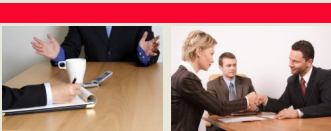
However, AWAs created and lodged with the Workplace Authority before the Bill becomes law, and those AWAs made before the commencement date of the amending Bill and lodged with the Workplace Authority up to 14 days later will continue to operate until terminated in accordance with the current provisions of the Work Choices legislation or replaced.

In addition, after the Bill is passed, a new

employment instrument, known as an Individual Transitional Employment Agreement ("ITEA") can be entered into by employers and employees. Like AWAs they will operate to the exclusion of awards and other collective agreements. As currently drafted, the amending legislation provides that ITEAs can be made until 31 December 2009. However, it is likely that ITEAs will have only a limited role as there are quite large restrictions and conditions as to which employers are able to enter into ITEAs.

The purpose of ITEAs is to allow employers some flexibility to continue to use individual statutory agreements up until 1 January 2010.

The amending legislation to the Workplace Relations Act will be a very complicated piece of legislation for employers (and employees) to come to grips with. Please contact Rankin Nathan Lawyers if you require advice about employment agreements or your employment situation.



**Rankin Nathan Lawyers**

**1300 727 813**

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