



Member Forum

What has AMMA been doing?

NWRCC and COIL meetings

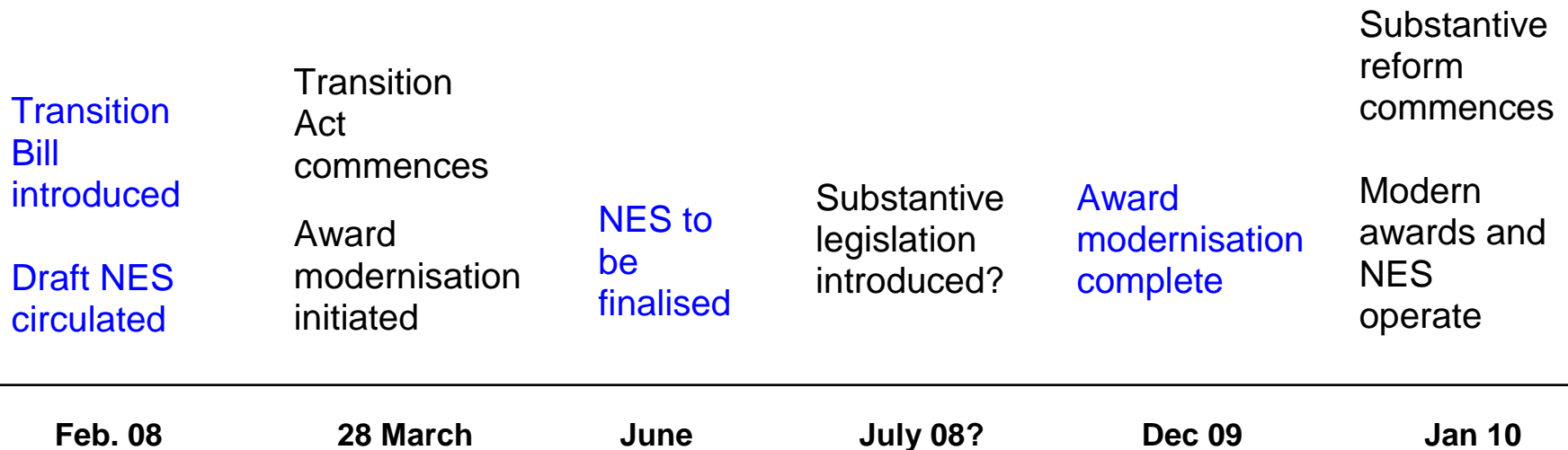
Letter to DPM Gillard on substantive legislation

National Employment Standard Submission

Award modernisation



FWF Reform Timeline



**No Disadvantage Test
Reinstated**

How does it work?

*Agreement Making and No Disadvantage Test
Policy Guide - Workplace Authority*



**What should you be
doing now?**

Have you stopped entering into AWAs?

**Have you stopped distributing the
workplace relations fact sheet?**



Have you developed a transition strategy?

- AWA to ITEA?
- AWA to collective agreement?
- Employees earning over \$100k?

Are you meeting the new NDT?



The Government's “Safety Net”

**National Employment
Standards and Modernised
Awards**

A mix of old (with some modification).....

Annual leave (no flexibility provisions)

Maximum working hours (no averaging provisions)

Personal leave (carer's leave no longer capped)

Parental leave (additional 12 months leave or 12 months leave for each parent)



and new...

Right to request flexible working arrangements

Community service leave (unpaid emergency service activities; jury service make-up pay)

Redundancy Pay and Long Service Leave

Fair Work Information Statement



Plus matters already in the WRA

Notice of termination or payment in lieu

Right to reasonably refuse to work public holidays



Plus 10 minimum standards and matters relating to the NES in modern awards



AWARDS

NES

**Non-award
employees**

NES Flexibility Provisions

“The creation of modern awards is not intended to...disadvantage employees [or] increase costs for employers”

(Award modernisation request)



AIRC to Determine...

priority industries and occupations;

a model flexibility clause; and

overall timetable

AND...

Consult, consult, consult



So far...

Draft priority industries/occupations list

Draft individual flexibility clauses

Draft timetable



AMMA Special Interest Groups

Get Involved!

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Harmonisation of Occupational Health and Safety Laws

	Principal OHS Act as at 1 July 2005
NSW	Occupational Health and Safety Act 2000
Victoria	Occupational Health and Safety Act 2004
Queensland	Workplace Health and Safety Act 1995
WA	Occupational Health and Safety Act 1984
SA	Occupational Health Safety and Welfare Act 1986
Tasmania	Workplace Health and Safety Act 1995
NT	Work Health Act 1986

Media Release

Gillard Launches National OHS Review

“Harmonising OHS laws will cut red tape, boost business efficiency and provide greater certainty and protections for all workplace parties.”



What's happening with the review?

Initial stakeholder consultation

Draft discussion paper to be released end of May

Submissions in June/July

Final recommendations due January 2009



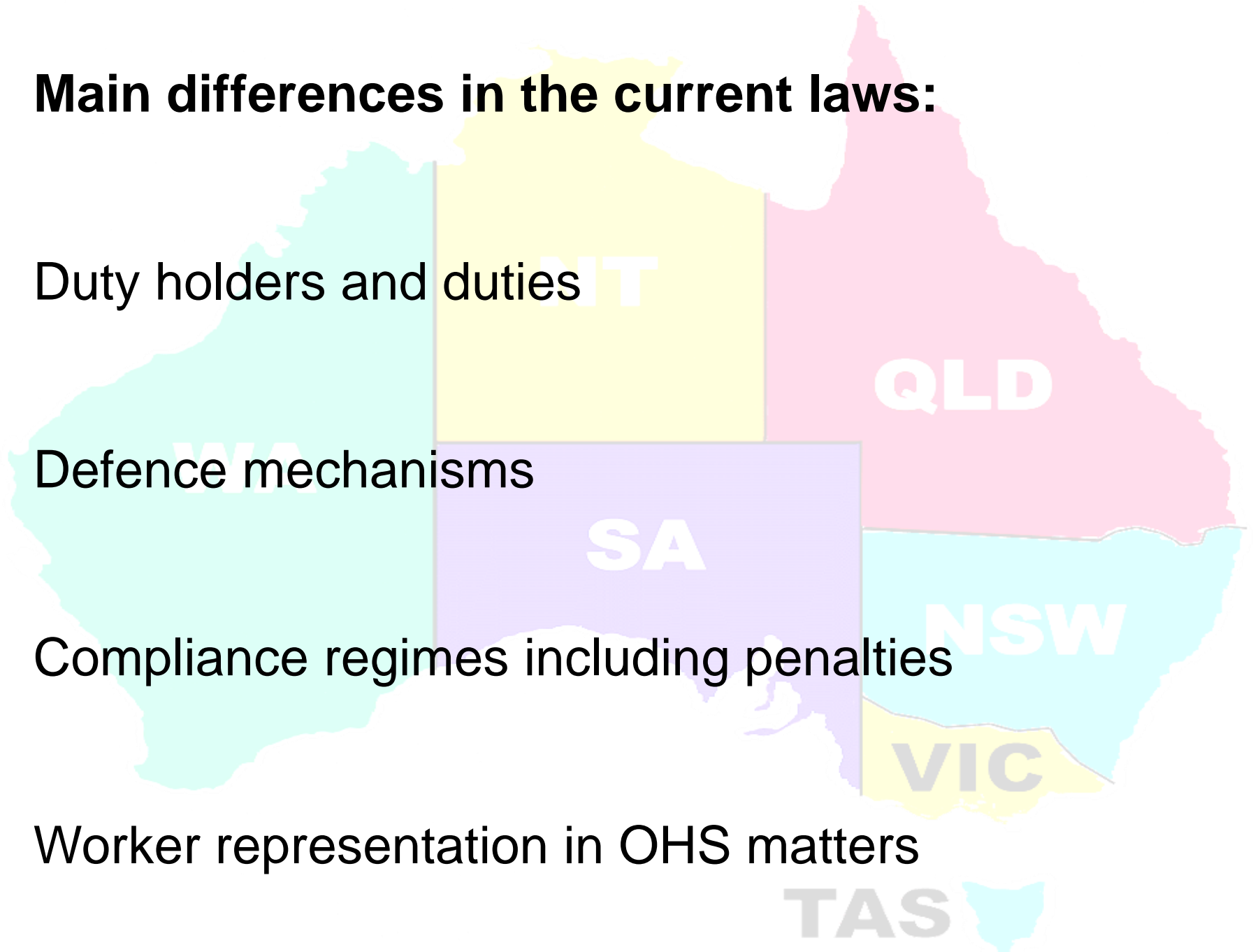
Main differences in the current laws:

Duty holders and duties

Defence mechanisms

Compliance regimes including penalties

Worker representation in OHS matters



Penalty provisions as at 1 July 2005		
	On the spot fines	Max penalty corporation
NSW	Penalty notices \$1500 max	\$550,000 1 st offenders \$825,000 2 nd offenders Workplace death \$1.65m
Victoria	Infringement notices \$1048.10 max	\$943,290
Queensland	\$1500 max	\$750,000
WA	No	\$625,000
SA	\$315 max	\$100,000 1 st offence \$200,000 2 nd offence
Tasmania	Can be provided by regulations	\$150,000

State/Territory	Union Right of Entry
South Australia	No
Western Australia	Yes
ACT	Yes
Tasmania	No
Northern Territory	No
Victoria	Yes
NSW	Yes
Queensland	Yes

Recommendations for model OHS law must:



Promote a safe workplace

Increase certainty for duty holders

Reduce compliance costs

Give greater clarity for regulators

What will happen with...

Penalties

Right of entry provisions

Who can be an OHS inspector

Industrial manslaughter

