

16 October 2012

Fair Work Act to be amended

Workplace Relations Minister, Bill Shorten has announced that the federal government will implement a number of changes to the *Fair Work Act 2009* (Cth) (**Act**).

Shorten has stated that legislation implementing the changes, which encompass about a third of the Fair Work Act review panel's recommendations, will be introduced into parliament within the next eight sitting days.

Some of the most important changes concern the current unfair dismissal regime. The Act will be amended to impose a uniform time limit of 21 days for lodging unfair dismissal and general protections claims relating to termination, shifting from the current time limits of 14 days and 60 days respectively. The amendments will also see greater scope for vexatious applications to be rejected and costs orders to be made against parties who have unreasonably failed to discontinue proceedings or agree to terms of settlement.

Shorten has also indicated that there will be a change to the tribunal's name, 'probably to the *Fair Work Commission*' and that reforms would also be made to:

- allow striking out of vexatious award variation applications;
- increase the range of parties that can seek award variations to remove ambiguity or uncertainty;

- require applicants for scope orders to take all reasonable steps to notify other bargaining representatives of the application;
- limit the content of bargaining notices;
- prevent union officials from being bargaining agents for employees for whom the official's union does not have coverage;
- prohibit 'opt out' clauses in enterprise agreements;
- prohibit the making of enterprise agreements with only one employee;
- streamline the industrial action secret ballot processes;
- create two new vice-president positions in the tribunal; and
- increase the power of the President to deal with complaints against tribunal members.

While not intending to implement amending legislation specifically dealing with these issues, the government has indicated that it supports the panel's recommendations to promote the productivity of the tribunal and to require applicants to provide more detail in unfair dismissal applications.

Shorten has not ruled out any of the other recommendations made during the Fair Work Act review and stakeholders will continue to consult on these issues.

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