

ALERT

1 November 2012

Fair Work Amendment Bill 2012 passed by the House of Representatives

Workplace Relations Minister Bill Shorten's *Fair Work Amendment Bill 2012* (**Bill**) has been passed by the House of Representatives.

The Bill introduces the first stage of amendments to the Fair Work Act 2009 (**Act**) announced by Mr Shorten on 15 October 2012 in response to the [Fair Work Act Review Panel's report](#).

In addition to implementing a number of recommendations of the Review Panel, the Bill also implements the government's response to the Productivity Commission Inquiry into default superannuation funds in modern awards.

There are four key elements to the Bill:

1. **changes to the unfair dismissal regime:** including aligning the timeline for making unfair dismissal claims and general protections claims to 21 days and extending slightly the capacity to have costs awarded against a party;
2. **changes to the structure and operation of Fair Work Australia:** including renaming Fair Work Australia to the 'Fair Work Commission' (FWC), creating two new Vice President positions and expanding the powers of the President to deal with complaints against tribunal members;

3. **establishing an expert panel** to conduct the annual minimum wage review and to determine the most suitable funds to be listed as default funds in modern awards; and
4. **other technical and clarifying amendments** such as prohibiting opt-out clauses in enterprise agreements and clarifying notification requirements for scope order applications.

Overall, the Bill represents some incremental changes to the Act. According to Mr Shorten, '...this is not the last step...' and none of the remaining recommendations of the Review Panel have been ruled out.

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