



Welcome to the first newsletter for 2008. As everyone is no doubt aware, there is plenty happening in the IR Arena, which is keeping practitioners on their toes. This newsletter includes a couple of summary articles to assist members in keeping up to date with recent changes. We hope you find them useful.

We will shortly be holding our first Lunch N' Learn for the year, which will be a good opportunity to hear from NT Worksafe on recent legislative changes and an excellent opportunity to catch up and network. The Committee look forward to seeing you there.

## Fairness Transitional Bill Introduced

The Minister for Employment and Workplace Relations, Julia Gillard introduced the *Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008* into the Australian Parliament on Wednesday 13th February 2008.

The Bill introduces key amendments to the *Workplace Relations Act 1996* including:

- 1) The abolition of Australian Workplace Agreements,
- 2) The implementation of a 'No-Disadvantage test' to replace the Fairness Test,
- 3) Changes to the Award Modernisation process, and
- 4) Removing the requirement for employers to provide the Workplace Relations Fact Sheet to their employees.

### Australian Workplace Agreements

The Bill allows employers who were using AWA's as at 1 December 2007 to offer Individual Transitional Employment Agreements (ITEA's) to new employees and employees already on AWA's for a transitional period while award modernisation takes place.

ITEA's are not a long term solution, but a temporary measure to assist organisations who have utilised individual contracts in the past. ITEA's will cease on 31st December 2009.

### Collective Agreements

The Bill also allows parties to a pre-Workchoices certified agreement to vary or extend their agreements, with the approval of the AIRC.

### Fairness Test

The Bill proposed the replacement of the Fairness Test with the Pre-WorkChoices No Disadvantage Test. Protected award conditions have been removed for the measurement of the No-Disadvantage Test. The Workplace Authority must be satisfied that the employee would overall be no worse off than the industrial agreement being measured against and could call upon all conditions for the purposes of measurement.

The Bill also provides that where an agreement does not pass the No Disadvantage Test the agreement will cease to exist.

### Award Modernisation

Quite a lengthy section of the Bill concentrates on the Award Modernisation process, the government intends;

- There should be many fewer awards than at present, although enterprise awards are to be left untouched.
- Award coverage is not to be extended to managerial or other classes of employees who have historically been award-free.
- Modern awards will still be able to contain state based differences, but only for the first five years of their operation.
- The new awards are to contain flexibility provisions that allow employers and individual employees to vary the operation of selected provisions, provided no employee is disadvantaged.
- There is to be a particular freedom for employees earning at least \$100,000 a year to contract out of awards.

Source: Australian Labor Party Media statement 14th February 2008

Extracts taken from an expanded version of an article that first appeared in the Piper Alderman publication *Employment Matters*, written by Professor Andrew Stewart. Full article attached.

## Changes to Territory Work Health Legislation

The *Workplace Health and Safety Act* is expected to become operational in March this year. The Act makes a number of significant changes to the regulation of occupational health and safety (OHS) in the Northern Territory. The main features of the Act are:

The basic building block of good team building is for a leader to promote the feeling that every human being is unique and adds value.

- Unknown

- incorporation of the OHS provisions of the current *Work Health Act*;
- an obligation for employers & workers to consult about OHS matters;
- an obligation to negotiate over the establishment of work groups in workplaces of 10 or more employees if requested by an employee;
- provisions for the establishment of OHS committees;
- provisions for the election of health & safety representatives (HSRs) with statutory powers to investigate, consult, issue notices of safety hazard and to issue directions to cease work in certain circumstances;
- an obligation to provide accredited training for HSRs as well as information and support for HSRs and OHS committees;
- provisions for authorised union representatives to enter workplaces & investigate OHS concerns; and
- enhanced enforcement powers for the regulator, the Work Health Authority.

At the same time, the *Law Reform (Work Health) Act* removes OHS provisions from the *Petroleum Act* and the *Mining Management Act* and places them in the new *Workplace Health & Safety Act*. The workers compensation and rehabilitation provisions of the current *Work Health Act* remain in that Act, which will be renamed the *Workers Rehabilitation and Compensation Act*.

*IRSNT sincerely thanks Mark Hathaway for providing this article*

## Lunch n' Learn NT Workplace Health & Safety Act

Learn more on the changes to health and safety legislation in the Northern Territory.

**Industrial Relations Society of NT**

**Lunch n' Learn**

Guest Speaker: Neil Watson

Deputy Director

NT WorkSafe

Venue: Darwin Central Hotel (lunch catered by Garam Masala)

When: Wednesday 19th March 2008

12pm to 1pm

Further details and a registration form will be sent to members shortly.



## Upcoming Events

- 28th February AHRI HR Practices Day NT 2008  
Contact: [www.ahri.com.au](http://www.ahri.com.au)
- 29th February AMPLA Disclosure, Negotiation & Employment Seminar  
Featuring Andrew Stewart - Contact Law Society NT 8981 5104
- 11 March IRSQ Annual Breakfast  
Featuring Dr Russell Lansbury Contact: [www.irsq.asn.au](http://www.irsq.asn.au)
- 19th March **IRSNT Lunch N'Learn - NT Workhealth Changes**  
Further details to be provided shortly
- 31st March 3rd Annual Industrial Relations Forum  
Industrial Relations Society of NSW on [www.irsnsw.asn.au](http://www.irsnsw.asn.au) - Events

### **FUTURE INDUSTRIAL RELATIONS SOCIETY NT EVENTS**

- April '08 Janet Terry Federal Magistrate - Unlawful Terminations and IR matters in the FMC
- May '08 Andrew Stewart - Bray Professor of Law Adelaide University - Workplace Relations Update



## Immigration an Option for Skills Shortage?

In the December 07 issue of the IRSNT Newsletter we discussed recruiting and retaining staff as being one of the most important factors business face. Many organisations have had to look overseas to fill their vacancy needs or face closing the doors.

Finding suitably qualified staff is only half the battle. Retention can be just as difficult. Finding employees who are prepared to put in the extra effort or maintain a satisfactory attendance record is particularly difficult in some fields.

In a recent interview Senator Chris Evans unveiled a package of Federal Government measures aimed at attracting more skilled foreign workers to our shores.

Senator Evans released details of an extra 6,000 permanent skilled migration places being offered and a range of other measures which might attract visitors on holidays or other arrangements. Senator Evans went on to say that people attracted to the massive mineral expansion in Western Australia have left vacancies behind them, so the skills shortage is not strictly centered on major cities.

The Government is keen to take advantage of the economic opportunity of the growth of India and China, and Senator Evans believes that training and education initiatives although slower to move, will benefit local people and he is keen to ensure this happens. "Australians get the opportunities to develop those skills in high demand, and therefore move to higher incomes and skill levels."

The Department of Immigration and Citizenship (DIAC), whom Senator Evans is the Minister, also works on compliance to find visitors to Australia who are working illegally or who overstay their visas. Over the past week 18 foreign workers were found to be working illegally. DIAC advised they have a range of services for employers to check work rights, including the Employer Work Rights Checking Information Line, Fax-Back facility and Internet based work rights checking service called Visa Entitlements Verification Online.

For information on Work Visa's visit the DIMIA website <http://www.dimia.gov.au/>

**GPO Box 1292  
DARWIN NT 0810**

**Contacts:**

President - Samantha Miles

[president@irsnt.asn.au](mailto:president@irsnt.asn.au)

Secretary - Linda Blair

[info@irsnt.asn.au](mailto:info@irsnt.asn.au)

Convention Secretariat

[convention@irsnt.asn.au](mailto:convention@irsnt.asn.au)

Northern Territory



Industrial relations society

**We're on the web  
[www.irsnt.asn.au](http://www.irsnt.asn.au)**

## The Benefits of Membership

- ◆ A subscription to the prestigious and informative "Journal of Industrial Relations"
- ◆ Discounted rates on our professional development seminars and workshops including our Annual Convention plus our monthly 'Lunch 'n' Learn' events
- ◆ Opportunity to network with other IR practitioners in Darwin and beyond
- ◆ Opportunity to use our open forum to post issues or comments
- ◆ You are supporting a great Northern Territory institution!

## Other News

### Mitsubishi Closure

The SA State and Federal Governments have allocated \$50 million to assist nearly 1,000 retrenched Mitsubishi workers to gain suitable alternative employment and encourage investment in manufacturing in Adelaide's South.

### Workplace Ombudsman Audits and Campaigns

Over the past 18 months the Workplace Ombudsman has secured over \$1 million in penalties for breach's of the *Workplace Relations Act*. In a media statement released 26th February 2008, the Workplace Ombudsman's Chief Counsel, Leigh Johns said the milestone was an example of how litigation is being used as an effective tool for compliance. The Workplace Ombudsman's website shows over \$32 million dollars has been recovered for workers, with 34,748 workers being assisted. In another successful campaign the Workplace Ombudsman's Northern Territory office have recovered nearly \$8,000 in unpaid wages and entitlements for 26 young workers in an Alice Springs franchise fast food outlet.

### Productivity Commission to Investigate Paid Maternity Leave

In a joint media release, Minister for Employment and Workplace Relations Julia Gillard and Minister for Families, Jenny Macklin promised to deliver on their election commitment and examine ways in which the Labor Government can provide improved support to parents with newborn children. The Productivity Commission has been asked to investigate the economic and social costs and benefits of paid maternity, paternity and parental leave.

The Commission will have until February 2009 to complete their findings. Submission and information can be sought at [www.pc.gov.au](http://www.pc.gov.au)