



### **NATIONAL IR SYSTEM LEGISLATION PASSED –ALL EMPLOYERS WILL NOW BE COVERED BY THE NEW WORKPLACE LAWS (except in WA) ON 1 JAN 2010.**

#### **What is the effect of this?**

Recently, IR Assist provided an IR Update indicating that all States except WA had passed legislation to hand over their IR powers to the Commonwealth Government. In order for that to be effected however, the Commonwealth Government had to pass 'referral' legislation. The Opposition parties had indicated they would not pass the legislation without significant amendment which might hold up the referral for months. *Nevertheless, without amendment, the legislation was passed by the Senate yesterday.*

*The effect of yesterdays passing of the legislation is that **all employers** - including partnerships, sole traders and unincorporated entities - **will be bound by the new Fair Work Act in all States and Territories except for Western Australia from 1 January 2010 – LESS THAN 4 WEEKS FROM NOW.***

**Fair Work Ombudsman Nicholas Wilson has advised all employers who can't answer "yes" to the following questions to seek assistance and advice immediately:**

- Do you know which Award your business is currently covered by and which Modern Award will apply after January 1?
- Are arrangements in place so that the business will comply with the National Employment Standards when they come into force on January 1?
- Are you keeping the required records and giving employees pay slips?
- Are you aware of your options for making an Enterprise Agreement with employees?
- Do you understand how to bargain in good faith if you want to make an Enterprise Agreement with employees?
- Do you understand and are you able to comply with the Small Business Fair Dismissal Code if terminating an employee's employment?

**FOUR WEEKS IS ALL EMPLOYERS HAVE TO PREPARE FOR THESE CHANGES. You can commence this process by reviewing the Association IR Assist home page – accessible from the members section of the Associations website –and by contacting us to request advice and assistance.**

**If you have any questions regarding the new Workplace Laws and your obligations as an employer contact Andrew at Indigo Field Industrial Relations:  
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