



THE HON. CHRISTIAN PORTER MP
Attorney-General
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Media Release

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Enterprise agreement changes to be limited to 12 months

The Morrison Government will issue a new Regulation under the Fair Work Act to limit any changes made to enterprise agreements in response to the coronavirus pandemic to be effective for no more than 12 months.

Attorney-General and Minister for Industrial relations, Christian Porter, said the move followed discussion with Senator Pauline Hanson and other cross-benchers.

“This is a reasonable compromise which will ensure that any variations made to enterprise agreements using the shortened access period do not extend beyond 12 months,” the Attorney-General said.

“The Government was aiming to ensure employers of people covered by enterprise agreements had the flexibility to rapidly respond to the extreme and urgent workplace challenges caused by the COVID-19 pandemic.

“This need remains necessary. As we start to see some businesses re-open and work towards resuming normal operations, there may be a need to adapt workplaces to ensure social distancing measures to protect employees and customers. Some businesses may need to divide their workforce into teams that rotate between working from home and in the office or have a longer span of regular hours in which staff can work.

“This further change to the access period under the new Regulation will only apply until September, in line with other changes to working arrangements which have recently been adopted such as the amendments to the Fair Work Act that support the introduction of the \$130 billion JobKeeper scheme.”

The current regulation, made on 16th April, reduced the time required for changes to enterprise agreements to be agreed by employees, known as the access period, from a minimum of seven days to a minimum of one day.

“Since the change, only nine applications which had an access period of less than seven days had been lodged for approval to the Fair Work Commission and whilst there is no evidence of misuse of the new process, some crossbench Senators raised concerns that changes could extend well beyond the impacts of the coronavirus pandemic,” the Attorney-General said.

“Consequently, I have agreed with Senator Hanson that I will shortly ask His Excellency, the Governor-General, to approve a new Regulation limiting changes to agreements to a maximum of 12 months.

“Protections for employees will remain in place under the new Regulation, including the “genuine agreement” test that is ultimately determined by the Fair Work Commission and the ability of employees to vote against proposed changes.

“In return for my commitment to issue a new Regulation, Senator Hanson has agreed not to support Labor’s disallowance motion in the Senate.

“I thank Senator Hanson and other cross-bench Senators for their constructive engagement on this issue and welcome the common-sense outcome.”