

#### GOVERNMENT LEVEL

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**Aust Gov**

#### SUBMITTED BY

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**Department of Employment and Workplace Relations**

#### DOCUMENT TYPE

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**Impact Analysis (IA)**

#### TAGS

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Economy   Employment

# Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill

27 October 2022

#### Announcement date

27 October 2022

#### Link to announcement

[https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r6941](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6941)

#### Problem being addressed

Real wage stagnation and the decline in enterprise bargaining.

#### Proposal

The Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill seeks to implement enterprise bargaining outcomes from the Australian Jobs and Skills Summit by amending the *Fair Work Act (2009)* in five areas;

- Limiting the termination of nominally expired workplace agreements.
- Automatically sunsetting 'zombie' agreements made prior to the commencement of the Fair Work Act and subsequent bridging period.
- Expanding access to single and multi employer agreements.

- Removal of unnecessary complexity and making the Better Off Overall Test simple, flexible and fair.
- Expanding the capacity of the Fair Work Commission to address bargaining disputes.

### Assessed RIS outcome

Adequate

### Assessment comments

The Office of Best Practice Regulation has assessed that the quality of the regulatory impact analysis is adequate and sufficient to inform a decision. To be considered 'good practice,' the RIS would have benefited from:

- Additional analysis setting out the potential impacts on productivity, real wages and other distributional impacts, in particular on gender,
- A more comprehensive presentation of alternative options in addition to the status quo,
- Statements or evidence that the regulatory costs and their assumptions had been tested with stakeholders, or otherwise an acknowledgement why this had not been undertaken, and
- A clearer explanation of the barriers the Government may face in achieving the identified indicators of success, and the pre-planning undertaken to mitigate these potential risks.

The Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill also implements Recommendation 28 of the Respect@Work report. Consistent with the Government's Regulation Impact Statement (RIS) requirements, the Respect@Work Report has been **certified by the Attorney-General's Department** as meeting the requirements of a RIS.

A Post-implementation Review will be required for completion, within five years of implementation of these reforms.

### OIA assessment of the Impact Analysis

Insufficient

Adequate

Good practice

Exemplary

Attachment	File type	Size
<a href="#">Regulation Impact Statement</a>	DOCX	690.1 KB
<a href="#">Regulation Impact Statement</a>	PDF	1.21 MB
<a href="#">OBPR Assessment</a>	DOCX	68.19 KB
<a href="#">OBPR Assessment</a>	PDF	257.29 KB
<a href="#">Certification Letter</a>	DOCX	54.62 KB
<a href="#">Certification Letter</a>	PDF	175.75 KB

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