

Attachment D

Tasmanian Local Government / Water Corporation transfer of employment.

The table summarises uncertainties during 1 July 2009 - 1 July 2010

Date	Event	Unknown Effect
1 July 2009	<ul style="list-style-type: none"> Two hundred (plus) Tasmanian Local Government employees will transfer from 29 councils to 4 new Tasmanian water Corporations. 4 federal Awards and 29 Enterprise Agreements currently bind the 29 councils New IR Legislation "Fair Work Bill" comes into force. Transitional "Fair Work" provisions will come into force "sometime around middle of 2009" 	<ul style="list-style-type: none"> In January 2009 it is unknown exactly what transfer of employment provisions will bind employers and apply to employees? What will "Fair Work" Act and transitional provisions provide on 1/7/09? What will Fair Work regulations require of employers on 1/7/09? Will current Workplace Relations Act and regulations continue to apply under transitional provisions on and after 1/7/09? Will existing awards and EBAs continue to apply and if so for what period of time? Will 4 Awards and 29 Enterprise Agreements apply only for 12 months during a transmission period as per Workplace Relations Act Will "Fair Work" Act apply 1/7/09 with no 12 month transmission period How will federal legislation interact with the TAS state Water and Sewage Corporations Act?

1 Jan 2010	<p>Substantive “Fair Work” legislation comes into force with :</p> <ul style="list-style-type: none"> • A Modern Safety Net Water • New National Employment Standards. 	<ul style="list-style-type: none"> • Will the existing Local Government awards and existing EBAs continue to apply until the conclusion of the 12 months transmission period on 1/7/2010? • Will the new modern water award and National Employment Standards apply on 1 January 2010 and replace the current local government awards?
1 July 2010	12 months transmission period or not?	<ul style="list-style-type: none"> • Will 12 months transmission period end 1/7/10 under Workplace Relations Act. • Will “Fair Work” legislation replace transmitted TAS Local Government awards with a Modern Water Award and National Employment Standards on 1/7/10 • On 1/7/2010 will the 12 months transmission period end and can a new EBA be negotiated and a bargaining period be notified and can protected action be invoked under the Workplace Relations Act applying through transitional provisions.
1 Jan 2009 – 1 July 2010		<ul style="list-style-type: none"> • After 1/7/2010 can a new EBA be negotiated and a bargaining period be notified before the expiry date of <u>all</u> 29 applicable enterprise agreements and when can protected action be invoked under the Fair work Act? **

**** NB:** There are 29 enterprise agreements in operation with varying expiry dates. Is protected action legally available to be taken in support of a new EBA replacing the 29 EBAs or is it delayed (handicapping employees bargaining power) until all 29 EBAs have nominally expired over a period of several years or can protected action be embarked upon piecemeal as EBAs expire?.