



CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 15 OF 2005

WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) ACT 2005

In a Circular to Ministers from the Acting Premier on 21 December 2005 the Government has undertaken to protect the existing terms and conditions of employment of public sector employees.

IMPACT ON PUBLIC SECTOR EMPLOYMENT

The federal legislation relies on the Corporations' power of the *Australian Constitution* to invoke coverage by the federal system. As a result, some public sector employees will become subject to the federal legislation by virtue of the constitutional status of their employer.

The Government recognises that the federal legislation has the potential to erode existing employment entitlements and diminish employees' rights at work.

As the federal legislation does not cover the field in the public sector it will introduce disparity as a result of exclusions to some existing entitlements of affected employees. In response, the Government is determined to maintain its parity policy between like employees in the public sector and its commitment to collective bargaining.

Pay and conditions as presently provided for in awards and agreements (State and federal) will continue through administrative application where necessary. This includes the ability of unions to organise and represent their public sector members as afforded in existing union facilities and right of entry provisions.

As a matter of policy the Government is opposed to the use of individual Australian Workplace Agreements.

It is expected all aspects of the Work Choices legislation will be effective by March 2006.

AGENCY RESPONSIBILITIES


Agencies are:

- to administratively uphold pay and conditions as presently provided for in awards and agreements (state and federal) where the federal legislation removes or prohibits existing entitlements as a result of transition to the federal system;
- required to continue to recognise the ability of unions to organise and represent their public sector members as presently provided for in the union facility and right of entry entitlements in awards and agreements (state and federal);
- to refer any dispute about the interpretation and application of federal provisions on employee entitlements to DOCEP;
- prohibited from using individual Australian Workplace Agreements without the specific approval of Government; and
- required to pay particular attention to Premier's Circular 10 of 2003 and to the requirements of the Premier's Circular to Ministers "Public Sector Wages Policy 2005/2007" issued on 12 December 2005.

FURTHER INFORMATION

If you require further information regarding this circular and your obligations, please contact your labour relations adviser.

Yours sincerely



**JEFF RADISICH
EXECUTIVE DIRECTOR
LABOUR RELATIONS**

22 December 2005