

ACTUS WORKPLACE LAWYERS

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Development of the FWC's Statement of Principles under the new bargaining laws

On 30 January, Acting President Hatcher of the Fair Work Commission (FWC) issued a [Statement](#) setting out a revised timeframe for developing the Statement of Principles that will play an important role in the new enterprise agreement approval process under the Secure Jobs, Better Pay amendments to the *Fair Work Act*.

The revised timeframe states that the new Principles will commence operation on 6 June 2023. This suggests that the Government has decided to allow the new enterprise bargaining approval laws and related amendments to come into operation on 6 June 2023 – the final date permitted under the legislation – rather than proclaiming an earlier operative date.

Under the Secure Jobs, Better Pay amendment various steps that an employer is currently required to take within strict timeframes during the agreement-making process will be removed (for example, the requirement to provide employees with access to the proposed agreement during a 7 day 'access' period before the start of the voting process). These detailed legislative requirements will be replaced with one broad requirement for the FWC to be satisfied that an enterprise agreement has been genuinely agreed to by the employees covered by the agreement. The FWC is required to publish a Statement of Principles containing guidance for employers about how they can ensure employees have genuinely agreed to a proposed enterprise agreement. The Statement of Principles will be taken into account by the FWC when determining whether to approve an enterprise agreement.

To advice and assistance with any enterprise agreement issues, please contact **Stephen Smith**, Principal of Actus Workplace Lawyers on 0418 461 183 or Email: stephen.smith@actuslawyers.com.au