2008-2009

The Parliament of the
Commonwealth of Australia

THE SENATE

Fair Work Bill 2008

(Government)

(1) Clause 27, page 45 (before line 33), before subclause (1), insert:

(1A) Section 26 does not apply to any of the following laws:

(a) the Anti-Discrimination Act 1977 of New South Wales;
(b) the Equal Opportunity Act 1995 of Victoria;
(c) the Anti-Discrimination Act 1991 of Queensland;
(d) the Equal Opportunity Act 1984 of Western Australia;
(e) the Equal Opportunity Act 1984 of South Australia;
(f) the Anti-Discrimination Act 1998 of Tasmania;
(g) the Discrimination Act 1991 of the Australian Capital Territory;
(h) the Anti-Discrimination Act of the Northern Territory.

[State or Territory anti-discrimination laws]

(2) Clause 27, page 45 (line 34) to page 46 (line 6), omit paragraph (1)(a).

[State or Territory anti-discrimination laws]

(3) Clause 27, page 47 (lines 11 to 15), omit paragraph (2)(l), substitute:

(l) regulation of any of the following:

(i) employee associations;
(ii) employer associations;
(iii) members of employee associations or of employer associations;

[non-excluded matters]

(4) Clause 29, page 48 (lines 5 to 13), omit subclause (2), substitute:

(2) Despite subsection (1), a term of a modern award or enterprise agreement applies subject to the following:

(a) any law covered by subsection 27(1A);
(b) any law of a State or Territory so far as it is covered by paragraph 27(1)(b), (c) or (d).

[interaction of modern awards etc. with State and Territory laws]

(5) Clause 34, page 52 (line 12), at the end of paragraph (3)(a), add “and”.

[technical correction]

(6) Clause 34, page 52 (after line 13), after subclause (3), insert:

(3A) For the purposes of extending this Act in accordance with subsection (3):
   (a) any reference in a provision of this Act to an employer is taken to include a reference to:
       (i) an Australian employer; and
       (ii) an employer of an Australian-based employee; and
   (b) any reference in a provision of this Act to an employee is taken to include a reference to:
       (i) an employee of an Australian employer; and
       (ii) an Australian-based employee.

[prescribed extensions beyond the EEZ and continental shelf]

(7) Page 53 (after line 16), after clause 35, insert:

35A Regulations excluding application of Act

(1) Regulations made for the purposes of section 32 or subsection 33(4) or 34(4) may exclude the application of the whole of this Act in relation to all or a part of an area referred to in section 32 or subsection 33(4) or 34(4) (as the case may be).

(2) If subsection (1) applies, this Act has effect as if it did not apply in relation to that area or that part of that area.

[regulations excluding application of Act]