

Fair Pay Agreements Act Repeal Bill

Presented to the House in accordance with Standing Order 272

This legislative statement supports **all readings** of the Fair Pay Agreements Act Repeal Bill (the Bill).

The objective of the Bill is to revert to the previous framework where employers and employees (or unions representing their members) have more flexibility to agree their employment terms (as long as these are above the minimum entitlement provisions specified in the *Employment Relations Act 2000*).

The Bill repeals the Fair Pay Agreements (FPA) legislation, removing the bargaining framework that enables unions and employer associations to bargain FPAs that specify industry or occupation-wide minimum employment terms, and for the Employment Relations Authority to determine those minimum employment terms (in certain circumstances).

As no FPAs have been finalised, the impact of the Bill will be to remove the ability for any FPAs to be finalised.

To achieve this, the Bill:

1. Repeals the *Fair Pay Agreements Act 2022*,
2. Revokes the *Fair Pay Agreements Regulations 2022* and the *Employment Relations Authority (Fair Pay Agreements) Amendment Regulations 2023*,
3. Reverses the consequential amendments made to the following Acts made under the *Fair Pay Agreements Act 2022*:
 - a. *Defence Act 1990*
 - b. *Employment Relations Act 2000*
 - c. *Equal Pay Act 1972*
 - d. *Holidays Act 2003*
 - e. *Judicial Review Procedure Act 2016*
 - f. *Minimum Wage Act 1983*
4. Reverses the amendments made to the:
 - a. *Employment Court Regulations 2000* by the *Employment Court (Fair Pay Agreements) Regulations 2023*, with the exception of the technical amendment to express the figures for Employment Court fees in GST-exclusive form
 - b. *Employment Relations Authority Regulations 2000* by the *Employment Relations Authority (Fair Pay Agreements) Amendment Regulations 2023*.

Clause 4 of the Bill acts as a sunset provision, this clause means that the Fair Pay Agreements Act Repeal Act will self-repeal at the close of the 28th day after the date on which it comes into force. This is standard practice for repealing Acts, to ensure that legislation which no longer has effect is removed from the statute book.