

The Secure Jobs, Better Pay Act Review Commences

On 2 October 2024, The Minister for Employment and Workplace Relations, Senator the Hon. Murray Watt, announced that the Government is delivering on its commitment to have an independent review into its workplace relation reforms.

The Secure Jobs, Better Pay Act was the first of a tranche of workplace relation reforms introduced by the Albanese Labor Government. The Act was intentionally created to strengthen job security, tackle the gender pay gap, modernize workplace bargaining, and encourage wage increases.

As part of the legislation, the Government committed to receiving input from key stakeholders on the implications of the policies and to conducting an independent review of the changes.

Hawker Britton has put together a summary of the Secure Jobs, Better Pay Act and the independent review taking place.

What is the Secure Jobs, Better Pay Act?

The Secure Jobs, Better Pay Act was the Albanese Government's first major workplace relations reform and was the precursor to the Government's Closing Loopholes Acts.

The Act made several changes to Australian workplace laws, including but not limited to;

- Changing the objectives of the Fair Work Act to promote Job Security and Gender Equality
- Prohibiting pay secrecy
- Banning job advertisements that would include pay rates in breach of the Fair Work or a Fair Work instrument such as an Enterprise Bargaining Agreement (EBA).
- Expanding access to Multi-Employer Bargaining
- Including new protected attributes under the Fair Work Act including breastfeeding, gender identity and intersex status

The Act abolished the Australian Building and Construction Commission, which has recently come back into the public focus after allegations of misconduct against the CFMEU Construction Division.



The review will also look at a portion of the Closing Loopholes reforms, specifically part 16A of Schedule 1, which gives effect to recommendation 8 of the 2018 Review of the model WHS laws. This amendment responds to the recommendation by removing the requirement for officials of registered organisations to hold a Fair Work entry permit to assist a Health and Safety Representative.

Why is the Government Undertaking a Review of the Act?

As part of passing the legislation through both houses of Parliament, the Government made a commitment in the legislation to conduct an independent review into the amendments. This is a result of negotiations with the Crossbench, particularly in the Senate, to help ease concerns held by some members about potential unintended consequences of the legislative changes.

The recommendations from the review will also lay the foundations for future reform to the workplace relations settings, whether they be scaling back some of the changes or recommending further changes to assist both business and workers adjust to the settings.

The Panel conducting the Secure Jobs, Better Pay Review will consider available research that has been undertaken. The review will also be informed by stakeholder perspectives and all stakeholders must be given an opportunity to provide submissions and evidence on the matters to be considered by the review.

The review also offers stakeholders, including business, unions, workers and experts the opportunity to give their thoughts on the outcomes of the amendments, and provide a perspective from those affected most by the changes. This will be done through a public submission process.

Who is Leading the Review?

The review is being undertaken by Emeritus Professor Mark Bray and Professor Alison Preston.

Emeritus Professor Mark Bray served as the Foundation Chair in Employment Studies at the University of Newcastle from 1997 until early 2021. As well as his primary affiliation, he is an honorary professor at both RMIT University and University of Sydney. Mark has taught Australian and comparative industrial relations, and human resource management and research methods. Since 2005 Mark has been a co-author of *Employment Relations: Theory and Practice*.



Professor Alison Preston is a Professor of Economics in the Business School at The University of Western Australia, a position she has held since 2013. Prior to that she was employed at Curtin University. She holds a PhD in labour economics and industrial relations. Alison's research interests include wage determination and gendered aspects of labour markets, employment, and economic security.

Terms of Reference for the Review

The review will consider both the Secure Jobs, Better Pay Act and part 16A Schedule 1 of the Closing Loopholes Act.

Without limiting the scope what may be considered the review must;

- consider whether the operation of the amendments are appropriate and effective
- identify any unintended consequences of the amendments
- consider whether further amendments to the Fair Work Act 2009, or any other legislation, are necessary to: improve the operation of the amendments or rectify any unintended consequences that are identified.

When will the review report by?

The review is due to report to Government in January 2025. The Report must detail the Review Panel's findings and recommendations about each of the matters to be considered by the review. Once the review has been received, the Minister must table a copy of the review in each House of the Parliament within 15 sitting days.

For more information on the review, and how to participate, visit the Department of Employment and Workplace Relations website [here](#).

The Media release by the Minister can be found [here](#).

More information on the Secure Jobs, Better Pay Act can be found [here](#).

For more information, please contact Hawker Britton Director [Simon Banks](#) on 0419 638 587.