



# Secure Jobs, Better Pay Review

## Terms of Reference

The Review Panel are conducting a joint review of the operation of the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Secure Jobs, Better Pay Act) and of the amendments made by Part 16A of Schedule 1 of the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* (Closing Loopholes Act) (the Secure Jobs, Better Pay Review).

### Scope of the Review

The requirement for the Secure Jobs, Better Pay Review is outlined in the respective Acts:

- Secure Jobs, Better Pay Act: Section 4 of the Secure Jobs, Better Pay Act requires the Minister for Employment and Workplace Relations (the Minister) to cause a review of the amendments made by the Act to be conducted.
- Closing Loopholes Act: Section 4A of the Act requires the Minister to cause a review of the operation of the amendments made by Part 16A of Schedule 1 of the Closing Loopholes Act to be conducted.

Both Acts require that the:

- persons who conduct the review must give the Minister a written report of the review within 6 months of the commencement of the review
- Minister must cause a copy of the report or the review to be tabled in each House of the Parliament within 15 sitting days after the Minister receives it.

The Secure Jobs, Better Pay Review commenced on 2 October 2024. A draft Report must be provided to the department on or before Friday, 31 January 2025. The draft Report is to include preliminary findings and draft recommendations and is to be published for stakeholder comment.

A final Report is to be delivered to the Minister on or before 31 March 2025.

Without limiting the matters that may be considered when conducting the review of the Secure Jobs, Better Pay Act and Part 16A of the Closing Loopholes Act, 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.

### **Secure Jobs, Better Pay Act**

The Act is the first of a series of workplace relations reforms introduced by the Australian Government and includes reforms in the following areas:

- Enterprise bargaining
- Job security and gender equality
- Compliance and enforcement
- Workplace conditions and protections
- Workplace relations institutions
- Workers' compensation.

Further information is available at <https://www.dewr.gov.au/secure-jobs-better-pay>.

### **Part 16A of the Closing Loopholes Act**

Part 16A of the Closing Loopholes Act amends section 494 of the *Fair Work Act 2009* (Fair Work Act) to give effect to 'Recommendation 8: Workplace entry of union officials when providing assistance to an HSR' of the '2018 Review of the model WHS laws' conducted by Marie Boland and published on 20 March 2020. Recommendation 8 provided that Safe Work Australia work with relevant agencies to consider how to achieve the policy intention that a union official accessing a workplace to provide assistance to a health and safety representative is not required to hold an entry permit under the Fair Work Act or another industrial law, taking into account the interaction between Commonwealth, state and territory laws.

For further information about the Closing Loopholes Act is available at <https://www.dewr.gov.au/closing-loopholes>.

Further information about the Review of the model WHS laws is available at <https://www.safeworkaustralia.gov.au/doc/review-model-whs-laws-final-report>.

### **Conduct of the review**

In conducting the Secure Jobs, Better Pay Review, the Review Panel will consider available qualitative and quantitative research.

The review must be informed by stakeholder perspectives and stakeholders must be given an opportunity to provide submissions and evidence on the matters to be considered by the review.

Stakeholders must be given an opportunity to provide submissions in response to the draft Report.

All submissions and evidence received must be published and be publicly accessible, where appropriate.

The final Report must detail the Review Panel's findings and recommendations about each of the matters to be considered by the review.

## **Publication**

The final Report must be presented to the Minister in a high-quality standard. This includes ensuring that the final Report is cohesive and written in plain English. After provision to the Minister the Report must be professionally copy edited and proof-read to support publication and tabling in Parliament.

The final Report and any website or associated material must comply with Web Content Accessibility Guidelines. For more information please visit: <https://www.stylemanual.gov.au/accessible-and-inclusive-content/make-content-accessible>.