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IR laws panned as too complex

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SECTIONS of the Federal Government's WorkChoices changes, which come into effect today, could prove to be unworkable and might have to be rewritten, practitioners are warning.

However, others have claimed that like the goods and services tax, which was unpopular when it was introduced in 2000, the entire legislation was here to stay.

The mixed views come as sweeping changes set to transform workplaces around Australia come into force today.

Tim Frost, a Melbourne partner with law firm Allens Arthur Robinson, said the record-keeping requirements under the new regulations - requiring businesses to record employees' starting and finishing times, and numbers of hours worked - could prove difficult for many businesses, as would the enshrining of the 38-hour week as one of the five fair pay and conditions standards.

"Many businesses will strongly resist aspects, in particular the 38-hour week and the time-keeping requirements," Mr Frost said.

"If the Government were to respond to the resistance that I expect would arise, then I expect it would be necessary to alter the legislation."

Chris Briggs, a research fellow with Sydney University's **Workplace Research Centre** (formerly known as the Australian Centre for **Industrial Relations Research and Training**), said that while the changes opened new opportunities for business, they were also more complex and legalistic.

He also said the legislation would have teething problems, and that this would result in sections being redrafted, or subjected to legal challenges.

"The finest legal minds in the country can't work out the meanings of some of these sections, so you can expect some lengthy court cases required to sort out the detail.

"It will take quite a bit of time for its effects to flow through, and legally it's going to take a long time to sort out."

But Sue Barnes, a partner with law firm Fisher Cartwright Berriman, said the legislation would only have to be rewritten if the High Court challenge to the law, being pursued by the states and scheduled to be heard in May, was partially successful.

However, she expected there would be plenty of other challenges in the courts.

"We will see a lot of litigation testing its robustness," Ms Barnes said.

She said many businesses were still confused as to whether they were covered by the new laws. A significant minority of Australia's 1.3 million small businesses are unincorporated, usually operating as sole traders, partnerships or trusts, and that puts them outside the law because they are not constitutional corporations.

She said many businesses would also have difficulties adjusting their payroll systems to the new regime.

The resource **industry's** major employer lobby, the Australian Mines and Metals Association, plans to meet with the federal **Workplace** Relations Minister, **Kevin Andrews**, over the next fortnight to head off the Government's push to rationalise enterprise awards into **industry**-based awards.

Mr Andrews announced last week that the deadline for the Award Review Taskforce to report on the issue had been extended to the end of the month.

Caption :PHOTO: **Kevin Andrews**

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