# Agreements and bargaining – Timeline of changes

There have been changes to agreement and bargaining laws as part of the Secure Jobs, Better Pay and Closing Loopholes amendments to the Fair Work Act.

## What are enterprise agreements?

Enterprise agreements are legal documents that cover certain employers and employees and set out minimum employment terms and conditions. For more information see our [Agreements page](https://www.fairwork.gov.au/agreements) at fairwork.gov.au/agreements

## What is enterprise bargaining?

Enterprise bargaining is the process of negotiating with the goal of making an enterprise agreement. This is generally between the employer or employers, their employees, and their bargaining representatives. There are rules about this process, including about starting bargaining, the content of enterprise agreements, and how an agreement is made and approved. For more information including [the process to make an agreement](https://www.fwc.gov.au/agreements) visit fwc.gov.au/agreements

## Who do the changes affect?

If you’re covered by an enterprise agreement or looking to start bargaining, you might be affected by the changes to enterprise agreements and bargaining. You might also be affected by zombie agreements sunsetting, which is explained in the below timeline. The new laws will also expand access to collective bargaining by introducing collective agreements for regulated workers.

The changes apply to all businesses, not just small businesses.

## Where can I get help or more information?

The Fair Work Commission is the national workplace tribunal and regulator of registered organisations. Many of the changes to agreement-making and bargaining are administered by the Fair Work Commission.

For more information about the changes, including help understanding how they apply to you, visit the [Fair Work Commission website](https://www.fwc.gov.au/) at fwc.gov.au

## Timeline of changes

These changes were made to improve access to agreements and bargaining. Our timeline provides an overview of what the changes are and when they start. You can find more detailed information on the [Fair Work Commission website](https://www.fwc.gov.au/agreements) at fwc.gov.au/agreements

### Changes effective 7 December 2022

#### Correcting errors in enterprise agreements

The Fair Work Commission can correct errors in enterprise agreements on its own initiative or on application by an employer, employee or union covered by the agreement.

#### How bargaining can be started

An employee can initiate bargaining (in certain circumstances) by writing to their employer via a bargaining representative. The Fair Work Commission can make a bargaining order following a request, even where the employer has refused to agree to bargaining.

#### Terminating an agreement after its nominal expiry date

The process for the Fair Work Commission to terminate an agreement after its nominal expiry date has changed.

### Changes effective 6 June 2023

#### Agreement making

The Fair Work Commission must take into account a new statement of principles when determining whether an enterprise agreement has been genuinely agreed to by employees. There are also changes to the [better off overall test](https://www.fairwork.gov.au/taxonomy/term/469) (BOOT).

#### Multi-employer bargaining

3 types of multi-enterprise agreements are available:

* single-interest employer agreements
* supported bargaining agreements
* cooperative workplace agreements.

There are new requirements that must be met before a vote on a new or variation to a multi-enterprise agreement.

#### Bargaining disputes

The Fair Work Commission can make an intractable bargaining declaration on application by a bargaining representative in certain circumstances.

#### Protected industrial action

There are additional steps for taking protected industrial action, including a new requirement to attend a compulsory conciliation conference ordered by the Fair Work Commission. Protected industrial action is available for some types of multi- enterprise bargaining.

### Changes effective 7 December 2023

#### Automatic termination of ‘zombie’ agreements

Agreements made before 1 January 2010 (known as ‘zombie’ agreements) that were still in operation automatically terminated or ‘sunsetted’ on 7 December 2023, unless an extension application was made.

### Changes effective 27 February 2024

#### Multiple franchisee access to single-enterprise bargaining

Franchisees of a common franchisor can voluntarily bargain together for a single- enterprise agreement.

#### Transitioning from multi-enterprise agreements

Employers and their employees that have a single-interest employer agreement or supported bargaining agreement can transition to a single-enterprise agreement. There are changes to how the [better off overall test](https://www.fairwork.gov.au/taxonomy/term/469) (BOOT) is applied in these circumstances.

#### Intractable bargaining determinations

Terms in an intractable bargaining determination made by the Fair Work Commission can’t be less favourable to employees (or employee organisations) than terms in the existing enterprise agreement that deal with the same matters.

### Changes effective 1 July 2024

#### Workplace delegates rights terms

New enterprise agreements voted on after 1 July 2024 must have a term providing for the exercise of rights of workplace delegates.

### Changes effective 26 August 2024

#### Collective agreements for regulated workers

Introduction of collective agreements for employee-like workers and regulated road transport industry contractors. Collective agreements set terms and conditions for those workers in a similar way to enterprise agreements.

### Changes effective 26 February 2025 or an earlier date set by the Australian Government

#### Enterprise agreement model terms

The Fair Work Commission will be responsible for determining, varying and replacing model terms for enterprise agreements that deal with flexibility, consultation and dispute resolution.

This fact sheet was last updated in May 2024.