

## The Fair Work system

The Fair Work system ([www.fairwork.gov.au/Dictionary.aspx?TermID=2101](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2101)) was created by the Fair Work Act 2009 and started on 1 July 2009. The Fair Work system is the name used for the minimum employment laws and agency bodies that were created by the Fair Work Act 2009. It is the [national workplace relations system \(www.fairwork.gov.au/Dictionary.aspx?TermID=2033\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2033) .

For a brief outline of Australia's workplace relations law, visit the [Australia's industrial relations timeline page \(www.fairwork.gov.au/About-us/Legislation/The-Fair-Work-system/australias-industrial-relations-timeline\)](http://www.fairwork.gov.au/About-us/Legislation/The-Fair-Work-system/australias-industrial-relations-timeline) .

### Key features of the Fair Work system

The key features of the Fair Work system are:

- 10 minimum National Employment Standards
- awards that apply nationally for specific industries and occupations
- the national minimum wage
- protection from unfair dismissal.

Awards, together with the National Employment Standards and the national minimum wage, make up a safety net of entitlements for employees covered by the Fair Work system.

There are 5 bodies that have roles in the Fair Work system:

- Fair Work Ombudsman (us)
- Fair Work Commission (<https://www.fwc.gov.au>) [↗](#)
- Australian Building and Construction Commission (<https://www.abcc.gov.au>) [↗](#)
- Registered Organisations Commission (<http://www.roc.gov.au>) [↗](#)
- Fair Work Federal Division of the Federal Court (<http://www.fedcourt.gov.au/>) [↗](#) and the Federal Circuit Court (<http://www.federal-circuitcourt.gov.au/wps/wcm/connect/fccweb/home/>) [↗](#).

### Who is covered by the Fair Work system

The Fair Work system covers most Australian workplaces. Working out who is covered is important because we work with employers and employees covered by the Fair Work system (the national system).

Employers and employees who aren't covered by the Fair Work system should contact the relevant state body or their internal human resources department for help.

Check who isn't covered in your state or territory by selecting from the list below:

- [Australian Capital Territory and Northern Territory](#)
- [New South Wales](#)
- [South Australia](#)
- [Queensland](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

#### Australian Capital Territory and Northern Territory

All employees and employers in the Australian Capital Territory and Northern Territory are covered by the national system.

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#### New South Wales

State public sector and local government employees are not covered by the national system and remain under the state system.

Some state public sector and local government employers have registered agreements in the national system. Employees covered by those registered agreements are within the national system.

## South Australia

State public sector and local government employees are not covered by the national system and remain under the state system.

Some state public sector and local government employers have registered agreements in the national system. Employees covered by those registered agreements are within the national system.

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## Queensland

State public sector and local government employees are not covered by the national system and remain under the state system.

Some state public sector and local government employers have registered agreements in the national system. Employees covered by those registered agreements are within the national system.

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## Tasmania

State public sector employees remain under the state system.

Local government employees are covered by the national system.

Some state public sector employers in these states have registered agreements in the national system. Employees covered by those registered agreements are within the national system.

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## Victoria

State government employees working in sectors that provide essential services of core government functions aren't covered by the national system. These include state infrastructure services such as electricity and gas.

Some state government employers have registered agreements in the national system. Employees covered by those registered agreements are within the national system.

All other employees in Victoria are covered by the national system.

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## Western Australia

The following types of businesses are not covered by the national system:

- sole traders
- partnerships
- other unincorporated entities
- non-trading corporations.

These types of businesses and their employees are covered by the state system. State public sector and local government employees are also covered by the state system.

Sometimes businesses operating as sole traders, partnerships, other unincorporated entities, non-trading corporations, and state public sector or local government employers have registered agreements in the national system. Employees covered by those agreements are within the national system.

If a business is run by a sole trader in the state system in Western Australia and changes to a company, it will move to the national system.

For more information about different business structures, visit [business.gov.au – Sole trader to company \(http://www.business.gov.au/business-topics/business-structures-and-types/changing-business-structures/sole-trader-to-a-company/difference-sole-trader-and-company/Pages/default.aspx\)](http://www.business.gov.au/business-topics/business-structures-and-types/changing-business-structures/sole-trader-to-a-company/difference-sole-trader-and-company/Pages/default.aspx).

For more information on who's covered by the state system, please visit the Department of Mines, Industry, Regulation and Safety: [Who is in the WA industrial relations system? \(http://www.commerce.wa.gov.au/labour-relations/guide-who-wa-state-system\)](http://www.commerce.wa.gov.au/labour-relations/guide-who-wa-state-system)

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## What existed before the Fair Work Ombudsman?

## You might also be interested in

### What to do next

- Contact the relevant state body if you are not covered by the national system:
  - NSW Industrial Relations [Ⓞ](http://www.industrialrelations.nsw.gov.au/) (<http://www.industrialrelations.nsw.gov.au/>)
  - Safework SA [Ⓞ](http://www.safework.sa.gov.au/) (<http://www.safework.sa.gov.au/>)
  - Queensland Government (<https://www.forgov.qld.gov.au/working-in-the-public-service>) [Ⓞ](#)
  - Tasmanian state service industrial relations [Ⓞ](http://www.dpac.tas.gov.au/divisions/ssmo/awards_and_agreements/state_service_industrial_relations) ([http://www.dpac.tas.gov.au/divisions/ssmo/awards\\_and\\_agreements/state\\_service\\_industrial\\_relations](http://www.dpac.tas.gov.au/divisions/ssmo/awards_and_agreements/state_service_industrial_relations))
  - Business Victoria [Ⓞ](http://www.business.vic.gov.au/) (<http://www.business.vic.gov.au/>)
  - WA Wageline (<https://www.dmirs.wa.gov.au/wageline>) [Ⓞ](#)

Name	Dates
Workplace Ombudsman	2007 – 1 July 2009
Office of the Employment Advocate	1997 – 2007

- [Enforcing the legislation \(www.fairwork.gov.au/About-us/Our-role/enforcing-the-legislation/default\)](http://www.fairwork.gov.au/About-us/Our-role/enforcing-the-legislation/default)
- [Australia's industrial relations timeline \(www.fairwork.gov.au/about-us/legislation/the-fair-work-system/australias-industrial-relations-timeline\)](http://www.fairwork.gov.au/about-us/legislation/the-fair-work-system/australias-industrial-relations-timeline)
- [Fair Work Commission Ⓞ \(https://www.fwc.gov.au/\)](https://www.fwc.gov.au/)
- [Australian Building and Construction Commission Ⓞ \(https://www.abcc.gov.au/\)](https://www.abcc.gov.au/)
- [Federal Court of Australia Ⓞ \(http://www.fedcourt.gov.au/\)](http://www.fedcourt.gov.au/)

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### Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.