

SUBJECT	LEGAL CHANGE	ACTION REQUIRED
Employment terms		
Maximum Term Contracts	<p>The Fair Work Commission (“Commission”) has decided that employees on maximum term contracts now have more scope to argue they are entitled to bring an unfair dismissal claim when the contract expires.</p> <p>Effective immediately.</p>	<p>If you use maximum term contracts, obtain advice as soon as possible and review your current roll-over practices, engagement processes and contracts.</p>
Data Privacy		
Mandatory data breach notification scheme	<p>Certain organisations will need to notify both the Office of the Australian Information Commissioner and affected individuals (including employees) where they have reasonable grounds to believe a ‘notifiable data breach’ has occurred. There are some exemptions to this but early detection and action will be critical.</p> <p>Effective date: February 22, 2018</p>	<p>(1) Confirm whether these changes apply to you and if so, be aware of your new obligations.</p> <p>(2) Have processes in place to help you identify relevant breaches.</p> <p>(3) Have template forms and notices ready to go should you need to notify.</p>
EU General Data Protection Regulation (GDPR)	<p>From an employment perspective, the GDPR will affect Australian employers if they process the personal data of staff in the EU.</p> <p>Effective date: May 25, 2018</p>	<p>Determine whether the GDPR applies to your organisation and, if so, ensure compliance.</p>
Representation		
Notice of Employee Representational Rights (NERR)	<p>The Commission will approach the assessment of NERRs’ compliance with technical Fair Work Act 2009 requirements in enterprise agreement negotiations with more flexibility than the past.</p> <p>Effective date: 2018 – exact date unknown (legislation has not yet passed the Senate, but this is likely to occur in 2018)</p>	<p>No action is required at present but become familiar with the proposed change if enterprise bargaining is on the horizon for your organisation.</p>
Pensions		
Superannuation	<p>There are two changes forecast:</p> <p>(1) Currently, some workers cannot choose the superannuation fund into which their compulsory employer superannuation is paid. All employees covered by enterprise agreements and workplace determinations made after a certain date (currently the nominated date is July 1, 2018), will be able to nominate their fund of choice.</p> <p>(2) The salary sacrifice ‘loophole’ will be closed. This currently allows employers to use an employee’s salary sacrifice contributions to reduce the employer’s minimum superannuation guarantee contributions.</p> <p>Effective date: 2018 – exact date unknown (legislation for both changes has not yet passed the Senate, but this is likely to occur in 2018)</p>	<p>If these changes apply to you:</p> <p>(1) be aware that employees will likely be able to nominate their fund of choice; and</p> <p>(2) ensure you are making the requisite superannuation contributions for all employees, including those who are salary-sacrificing.</p>