**AFEI Member Template:   
Employer notice to an employee regarding sunsetting of a “zombie” agreement**

This is a template that can be used by employers who are covered by a “zombie agreement” (ie. an agreement-based transitional instrument, Division 2B State employment agreement, or enterprise agreement made during the bridging period) and who have employees covered by such instrument, in order to satisfy the employer’s notice obligations in the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009.

**The employer is required to provide a written notice by 6 June 2023**, to each employee who is covered by the “zombie” agreement and who is employed by the employer as at 6 June 2023.

AFEI recommends members consider their specific requirements when adopting a template document or policy to ensure the document meets the particular needs of your organisation. In particular for this letter, the Employer should give consideration to whether it will include information in the notice about any modern award that will cover employment after sunsetting of the zombie agreement, or if the employer proposes to negotiate a new enterprise agreement to replace it.

For assistance, please call the AFEI Hotline on 02 9264 2000.

**How to use this document:**

1: Check with the AFEI Hotline as to its suitability for your needs.

2: Edit to meet your requirements:

* **Add** relevant information in the [yellow highlighted] sections.
* **Text highlighted in blue is optional,** Delete if not required.
* **Select** the relevant instrument type at the prompt ‘Choose an item’.

[Insert Date]

**Notice regarding sunsetting of the [insert name of agreement]**

Dear staff,

This letter provides formal notice that:

1. Your employment is covered by the [insert instrument name] (‘***the Agreement’***) which is Choose an item.; and
2. The Agreement will terminate automatically on 7 December 2023 (being the end of the sunsetting default period of 12 months) unless the Fair Work Commission approves an application to extend the default period.
3. The sunsetting of the Agreement commenced on 7 December 2022 in accordance with Item 20A of Schedule 3 of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (“the Act”).

This notice has been provided to you on or before 6 June 2023, in accordance with the Act.

After the Instrument terminates, the [insert name of modern award] will apply to your employment in accordance with s47 of the *Fair Work Act 2009*.

If you have any questions, please contact [insert name & position] on [insert contact i.e. email address or phone number].