

Your responses suggest that the requirement of third-party approval is in breach of your employer's statutory obligations.

203 Requirements to be met by a flexibility term

Flexibility term must meet requirements

- (1) A flexibility term in an enterprise agreement must meet the requirements set out in this section.

Requirement relating to approval or consent of another person

- (5) Except as required by subparagraph (7)(a)(ii), the employer must ensure that the flexibility term does not require that any individual flexibility arrangement agreed to by an employer and employee under the term be approved, or consented to, by another person.

202 Enterprise agreements to include a flexibility term etc.

Effect of an individual flexibility arrangement

- (2) If an employee and employer agree to an individual flexibility arrangement under a flexibility term in an enterprise agreement:
 - (a) the agreement has effect in relation to the employee and the employer as if it were varied by the arrangement; and
 - (b) the arrangement is taken to be a term of the agreement.
- (3) To avoid doubt, the individual flexibility arrangement:
 - (a) does not change the effect the agreement has in relation to the employer and any other employee; and
 - (b) does not have any effect other than as a term of the agreement.