



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

FAIR WORK BILL 2008

Second Reading

SPEECH

Wednesday, 3 December 2008

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 3 December 2008
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Questioner
Speaker King, Catherine, MP

Source House
Proof No
Responder
Question No.

Ms KING (Ballarat) (5.25 pm)—I rise today in support of the Fair Work Bill 2008. This bill, introduced into parliament one year on from the election of the Rudd Labor government, honours our election promise to get rid of Work Choices. It is a landmark bill that gets the balance right by ensuring that our economy continues to grow without compromising our long tradition of workplace rights and guaranteed minimum standards.

In brief, this bill introduces a new system with fairer laws that balance the needs of employers, employees and the unions that represent them. The new system ensures all employers and employees have access to transparent, clear and simple information on their rights and responsibilities. It introduces a simple, fair dismissal system for small business. It protects employees by outlining clear minimum wages and, something that I am particularly proud of, assists low-paid and vulnerable employees.

The new workplace relations system embodied in this bill provides a strong safety net for workers. I would like to congratulate the Minister for Employment and Workplace Relations and her staff on their work in getting this election promise met and on the process of consultation undertaken. The bill delivers our election promise as set out in Forward with Fairness and has been worked through extensively with business and unions.

This is in complete contrast to the previous Howard government, which failed to mention that they intended to introduce their extreme Work Choices laws in the 2004 election campaign and once re-elected rammed the Work Choices bills through the parliament, with limited consultation and the guillotining of debate.

The development of this bill and the new workplace relations system it introduces has been subject to an unprecedented level of consultation and is better for it. The new system is based on fairness: fair for the employers, fair for the workers, fair for families and fair for the economy. Our workplace relations laws are balanced, and no one side has gotten everything they wanted. The new system squarely recognises that employment is a relationship that consists of rights and responsibilities on both sides. At the heart of the new system is enterprise bargaining, as it is bargaining at the enterprise level that will drive productivity.

The government was elected with a mandate and today we deliver to the Australian people on that mandate. I joined the Labor Party because I support the notion of a fair go for everyone, regardless of how much money you earn, where you were born or who your parents or grandparents are. I joined the Labor Party because I support the notion of a fair day's pay for a fair day's work, and that citizens are entitled to spend time with their families and their communities. I joined the Labor Party because I understand that not all of us are able to, for whatever reason, advocate on our own behalf and we should have the right to ask someone to help us. The Fair Work Bill epitomises all of these principles and re-affirms my commitment to the Labor Party. I am very proud of this bill.

I do not in this debate intend to go through every chapter and provision in this bill but want to highlight those core elements of the new system. The first chapter contains the objects of the bill, which are to put into law the government's intention to have a balanced industrial relations system, one which is based on cooperation, respect and productive workplace relations.

The terms and conditions of employment are contained in chapter 2. One of the most hated elements of Work Choices was that it stripped away the safety net. The initial legislation contained no protections at all and after realising that this had become a political problem the then Howard government introduced five standards.

The bill provides for a comprehensive safety net comprising 10 national employment standards and modern awards which include a further 10 areas. The 10 national employment standards will apply to all employees covered by the federal system from 1 January 2010, and they include: maximum weekly hours of work, requests for flexible working arrangements, parental leave and related entitlements, annual leave, personal/carers leave and compassionate leave, community service leave, long service leave, public holidays, notice of termination and redundancy pay and the provision of a fair work information statement to all new employees.

Modern awards are being developed by the Australian Industrial Relations Commission, and these modern awards will cover 10 further areas: minimum wages, arrangements for when work is performed, overtime and penalty rates, allowances, leave and leave loadings, superannuation and procedures for consultation, dispute resolution and the representation of employees. Modern awards will not cover employees earning more than \$100,000 a year, who will be free to agree upon their own pay and conditions without reference to awards.

Fair Work Australia, established under this bill, will undertake four-yearly reviews of modern awards to ensure that they maintain a relevant and fair minimum safety net and continue to be relevant to the needs of our community, with adjustments between the four-yearly reviews able to be made in limited circumstances. The bill also provides for minimum wages in modern awards to be reviewed every year by a specialist minimum wages panel within Fair Work Australia.

The bill also provides a new framework for enterprise bargaining. The framework includes the introduction of good faith bargaining, less regulation regarding the content of agreements, the creation of a single stream of agreement making, a streamlined process for approval of agreements and the introduction of Fair Work Australia to facilitate bargaining for the low paid.

Gone is the notion of a non-union or union agreement. A union that is entitled to represent the industrial interests of employees and was a bargaining representative for a proposed agreement may apply to be covered by the agreement.

The bill recognises that most workplaces are already bargaining in good faith—that the vast bulk of workplaces across this country are getting on with forming cooperative agreements within the workplace. But, where this does not happen in good faith, the bill empowers Fair Work Australia to make compliance orders.

Multi-employer bargaining is possible under the new laws, where employers and employees agree to it. Protected industrial action is not available in these circumstances. The opposition's scaremongering that this introduces pattern bargaining is simply false.

One of the elements of the bill that Labor members can be most proud of is the new scheme of bargaining for the low paid—workers who were left out under previous systems. Enterprise bargaining does benefit employees, employers and the economy as a whole, but those in low-paid positions often struggle to bargain effectively with their employers. This bill introduces a special, low-paid bargaining stream. Fair Work Australia will be charged with the role of facilitating the making of agreements and provides for the possibility of a workplace determination in the low-paid stream being made by agreement or if there is no reasonable prospect of agreement. The latter will be subject to very strict criteria.

One of the harshest elements of the previous government's policies was the abolition of unfair dismissal laws for workplaces of under 100 employees. I, like many people, had constituents coming to me who clearly had been unfairly dismissed but had absolutely no recourse under the Howard government's laws. This bill introduces a new, fairer system. Before an unfair dismissal claim can be made, a worker will have to have been employed for 12 months in a workplace with 15 employees or fewer, or for six months in businesses with 15 employees or more. Casual employees are no longer excluded but will have to meet the same qualifying period, provided they have been employed on a regular and systemic basis. Fixed-time contracts, training agreements and seasonal or task based employment that has concluded will not be subject to the unfair dismissal laws. The process of dealing with claims will be streamlined and made much more cost-effective for small business.

These are just some of the core elements of the new workplace relations system, a system that reintroduces fairness and balance into our workplaces. There is no doubt that the Howard government went too far with Work Choices. They stripped away many of the things that ordinary working Australians thought could never be taken away from them. They used the language of choice to deliver a system of no choice, a system based on statutory individual agreements that undermined the safety net of fair, relevant and enforceable minimum conditions for Australian workers. And, like many others in this place, I know that given half a chance—despite the rhetoric that Work Choices is dead, despite their election defeat—the Liberal Party would introduce just such a system again. I commend this bill to the House.