

# Govt announces new Fair Work bill

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The Rudd Government moved to formally kill off the previous government's Work Choices legislation. The new Fair Work bill will establish a new industrial watchdog called Fair Work Australia and will enshrine in law the notion of good faith collective bargaining.

## Transcript

**KERRY O'BRIEN:** Just a day after the Rudd Government celebrated its first anniversary it has moved to formally kill off the previous government's Work Choices legislation, the one issue that more than any other many credit for the Labor win.

Work Choices is dead and the Opposition Leader Malcolm Turnbull says he recognises the Government has a mandate for change, and won't block the bill, although he still hopes to make his own changes in the Senate.

Political editor Michael Brissenden reports.

**JULIA GILLARD, ACTING PRIME MINISTER:** Mr Speaker, I rise today one year on from the election of the Rudd Labor Government to deliver on a promise Labor made to the Australian people. Today we deliver the creation of a new workplace relation system.

**MALCOLM TURNBULL, OPPOSITION LEADER:** We accept that Work Choices is dead. The Australian people have spoken.

**MICHAEL BRISSENDEN:** Yes, the one thing everyone agrees on now is that workplace relations as the defining issue of the last election. Sure, there were others, this was the big one that changed votes, making history. Introducing the new Fair Work bill Julia Gillard described the contest as a philosophical one between a compassionate society and a society that said, essentially, "Make your own way in the world".

**JULIA GILLARD:** More than anything else, the 2007 election was a contest between these two visions of what Australia should be. In November 2007, the Australian people settled the matter once and for all.

**MEMBERS OF FEDERAL PARLIAMENT:** Here! Here!

**JULIA GILLARD:** They chose to be true to the Australian ideal of a fair go. Their

decision cost a Prime Minister not only his Government, but his seat in the house.

**MICHAEL BRISSENDEN:** The new Fair Work bill will create 10 minimum conditions, establishing Fair Work Australia the body administering the new system, reinstate the unfair dismissal protections and establish new awards set in place by 1 January, 2010, and reviewed every four years.

Whatever views on the fairness or ordinaries of the old system all the stakeholders agree the Rudd Government has a mandate to scrap the Howard era Work Choices legislation, despite lingering convictions of some on his side Malcolm Turnbull knows he has no choice but to declare Work Choice is dead and says the Opposition will vote for the bill in the Lower House but hopes to seek some amendments as it makes its way through the Senate Committee process next year.

**MALCOLM TURNBULL:** The Government's changes to workplace relations come at a very difficult time for the Australian economy. We take the Government on trust that these changes have been carefully considered and will not cost jobs.

We acknowledge that industry stakeholders support elements of the bill, key elements of the bill, in fact. We believe that within the Government's new workplace relations framework, union accountability must be maintained, and unlawful behaviour penalised.

**SHARAN BURROW, ACTU PRESIDENT:** People voted out a system of individual contracts, Australians don't want an environment in their workplaces where their rights are attacked. This legislation turns the tide on a decade of attacks on workers rights, it gives them back the fundamental decency that ought to exist in a work place to stand with and for each other, to bargain collectively, get a fair deal, and most employers, most employers, who never left a bargaining system who have respect for their workers, know these are a fair set of rights.

**MICHAEL BRISSENDEN:** Yes, the unions are happy. The new laws get them back into work places that Work Choices locked them out of. It's fair to say that some employers are nervous.

**PETER ANDERSON, AUSTRALIAN CHAMBER OF COMMERCE & INDUSTRY:** This gives unions a large measure of power to decide how they will conduct themselves in Australian workplaces.

**MICHAEL BRISSENDEN:** At the heart of the new system is the premise of good faith bargaining at the enterprise level. But if this breaks down, Fair Work Australia can order employers back to the table. Unions will automatically have a seat unless the membership tells them they are not wanted or needed.

But all sides agree the new Fair Work bill is a significant compromise, it's not Work Choices light but the Government has made concessions that industry is prepared to accept.

Last year when the Labor Party in Opposition first floated the workplace plans Heather Ridout was one of the fiercest critics, today you wouldn't call her a true

believer, but she says business is reasonably happy with what's being delivered and she's also hopeful that the Senate Committee process will result in some further amendments.

HEATHER RIDOUT, AUSTRALIAN INDUSTRY GROUP: Look, it's been a long process, it's been a difficult, testing process, diametrically opposed positions between us and the unions on critical parts. The Government handled it professionally, listening to both sides, putting important protections, and kept a number of protections out of the Work Choices in the new bill.

MICHAEL BRISSENDEN: Such as?

HEATHER RIDOUT: Well, for example, protection against pattern bargaining, easy access to the courts to get injunctions against industrial action, secret ballots before taking industrial action, and the list goes on.

MICHAEL BRISSENDEN: What sort of amendments do you think you'll win in the Senate process?

HEATHER RIDOUT: We'll have a talk to the Opposition, who have indicated they are keen to pass the bill. There'll be issues that they are happy to listen to. We'll talk to the independent senators and the Greens. The right of entry issues which have been opened up by the new award modernisation process, are arcane sort of issues, but they need to be settled, I think transfer of business, very again around outsourcing, big issue for business, also there'll be a lot of areas that need to be more settled, I think the unfair dismissal side of it and how that will work in practice, still has some way to go, although it's much improved on the earlier systems.

MICHAEL BRISSENDEN: The Senate Committee process is likely to take some months. It will be comprehensive, but Julia Gillard made it clear if any of the stakeholders think they'll get significant change to the bill, they better think again.

JULIA GILLARD: The Senate inquiry should not become a cobbled excuse for delay, it should be a proper inquiry process, and second, when it comes to dealing with this in the Senate. We'll be saying to senators of all political parties, they shouldn't stand in the way of the Australian people, they should pass this bill.

MICHAEL BRISSENDEN: The timetable allows for a lengthy Senate examination, but it's pretty clear how the Government views its mandate. It hopes to put the bill to the vote in March and have the system operating by 1 July.

KERRY O'BRIEN: Political editor Michael Brissenden reports.