



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**FAIR WORK BILL 2008**

**Second Reading**

**SPEECH**

**Tuesday, 10 March 2009**

BY AUTHORITY OF THE SENATE

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## SPEECH

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**Questioner**  
**Speaker** Polley, Sen Helen

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**Senator POLLEY** (Tasmania) (1.54 pm)—I rise on this occasion to speak in support of the Fair Work Bill 2008. I know that, along with me, hundreds of thousands of Australian workers and their families have been waiting for this bill to be introduced. The changes and benefits proposed under the Fair Work Bill put me in mind of the great Australian pastime of sport. Australians enjoy either competing in or watching team sports of many kinds. However, we expect all team sports to have the same underlying principles to ensure our enjoyment. We want two sides, equal in strength and ability, to ensure fair and balanced play. We want clearly defined rules that do not benefit one side over the other. We want the players to meet on a level playing field under the adjudication of a fair, impartial and experienced umpire. We want to see the players retain the right to dispute a decision if the play is not considered fair. Most of all, we want to see the players participate in the spirit of good sportsmanship. It is these principles in sport that make participating in and watching it so enjoyable. Fairness underpins our way of life and reflects the sort of society we want to create in work, play, family and community. Fairness has always lain at the heart of Labor philosophy and belief. That fairness will at last be restored to workplaces across our nation.

When the extreme measures of the former Howard Liberal government's Work Choices laws were foisted upon Australian workers, the balance and fairness of the industrial relations system was lost. Without mandate, without warning and without common sense, the former Howard Liberal government moved to strip away basic, fundamental rights and conditions that ensured that Australian workplaces were secure and just. Employers were given the right to terminate employment with the get-out-of-jail-free excuse of 'operational reasons'. Employers were given uneven powers that allowed them to pressure countless workers into signing AWAs, saying that these agreements would give workers the opportunity to bargain on the issues that were most important to them by trading away those that were not. In reality, the only opportunity workers had was to watch basic entitlements disappear from their conditions of employment. They watched as shift workers' loadings were removed. They watched as annual leave loadings and penalty rates disappeared. They watched as public holidays, overtime allowances, rest breaks and any semblance of fairness vanished from their day-to-

day reality, along with, of course, their redundancy payments.

As they watched as one by one their colleagues were dismissed for 'operational reasons', workers wondered when the former Liberal government had ever asked them whether they wanted these changes, when Work Choices had been brought to them as a question rather than a statement and when they had been given the opportunity to be heard. Australian workers and their families had not been given that opportunity before Work Choices was brought into existence, but they made sure that they were heard at the first possible opportunity afterwards. At the federal election in November 2007, Labor was clear about its intentions and direction for industrial relations. Labor heard the stories of people's treatment under Work Choices and the loss of confidence in the system. It heard those comments, opinions and suggestions, and it was the Rudd Labor government that acted.

In the first half of its first term, the Rudd government has proven that it will deliver on its promises and commitments. The government has exemplified the importance of the issue by its decisive action, by moving swiftly to abolish AWAs and now by introducing the Fair Work Bill to bring Work Choices close to its final curtain, relegating it to the history books as bad policy born out of a lack of desire to listen to the people. The Fair Work Bill is a necessary step towards bringing the pendulum back towards the middle. This legislation will bring about a new system based on fair laws and a balancing of the needs of employees, unions and employers. No one side gets everything it wants, yet at the same time no one side gets to wield an uneven share of power. This sets the basis for fair and equitable play amongst the teams and allows the nation to drive productivity through a sense of security. This in turn will benefit us all.

The sense of security delivered in this bill is grounded in the reintroduction of safety nets. These safety nets, in the shape of standards and modern awards, will ensure that employees never again have to relinquish basic conditions of employment whilst retaining fundamental entitlements to cover the normal, human, day-to-day realities of life. It will be these safety nets that will allow Australian workers to go to work each day with a sense of ease and security and to do their jobs with conviction

and certainty, knowing that their hard work will be rewarded consistently and appropriately.

The National Employment Standards will enshrine 10 basic standards of employment for all employees under the federal system from 1 January 2010. The basic standards will include (1) the right to work a maximum ordinary week of 38 hours for full-time employees, with appropriate remuneration— (*Time expired*)

Debate interrupted.