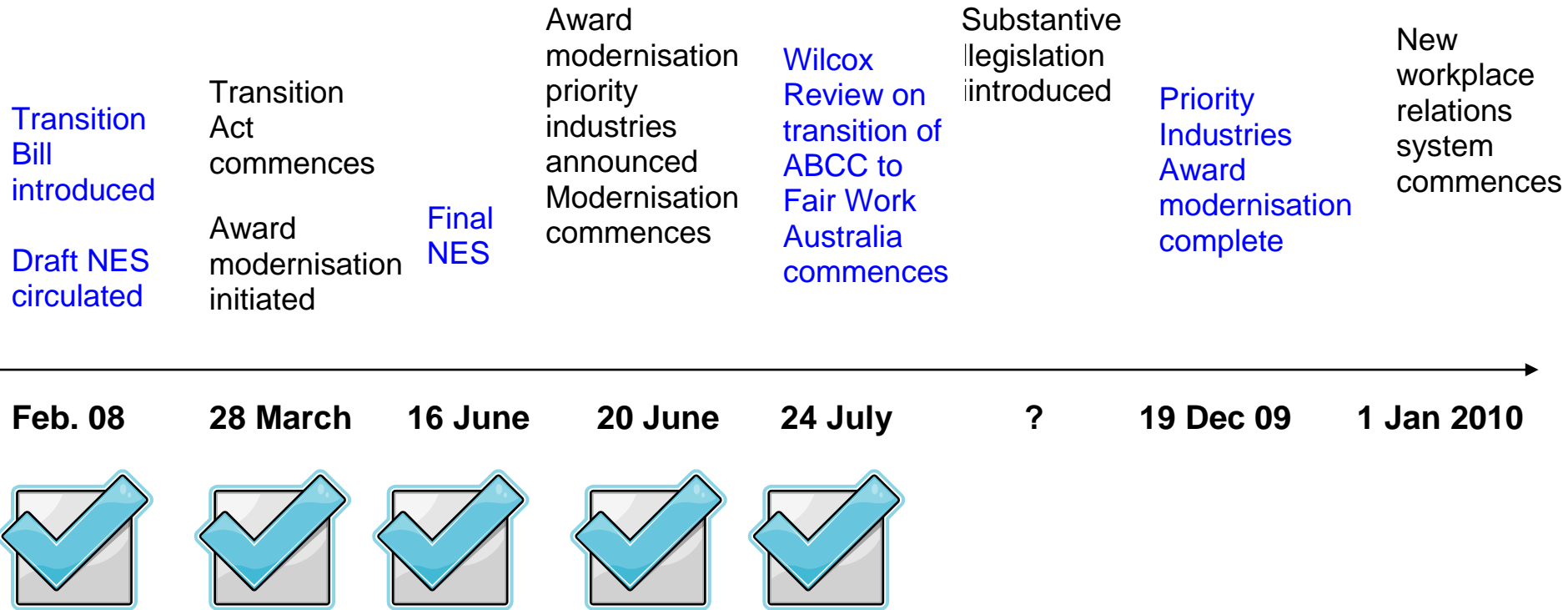


Forward with Fairness
What's happened so far?

FWF Reform Timeline



NES Issues

What we do know

NES allows access to additional flexibility via modern awards

- Averaging of ordinary hours
- Cash out of annual leave
- Rostering of annual leave
- Flexible leave arrangements
- Definition of shift work to determine access to additional annual leave

What we don't know

Impact of NES on existing agreements

Interaction of NES with FWF agreements

Access to NES flexibility for

- high income earners (100k+)
- award free employees (Managers & Supervisors)



Award Modernisation

- Sole mechanism to access NES flexibility
- Presents an opportunity to lock in a flexible safety net standard for the future.
- AIRC currently processing priority stage 1 awards including coal, metaliferrous mining, metal industry and catering industry.
- AMMA represented mining industry and presented completely new modern flexible safety net award – only industry to do so.



Next Stages...

- Exposure draft of priority awards due 12 September 2008
- Final Awards made by 19 December 2008
- Maritime and Construction Industry - Stage 2 (Oct 2008)
- Oil & Gas and Aluminum Industry - Stage 3 (Jan 2009)
- Modern Awards commence on 1 Jan 2010.



The background of the image shows a construction site at dusk or dawn. A large tower crane is silhouetted against the sky, with its long jib extending across the top. Below it, the skeletal frame of a multi-story building is visible, with numerous vertical rebar rods protruding from the top. The sky is a gradient of light colors, suggesting the time is either early morning or late evening. The overall scene is industrial and captures a moment of active construction.

**“Fair Work Australia’s
Inspectorate will have
specialist divisions that can
focus on persistent or
pervasive unlawful
behaviour”**

Forward With Fairness

Building Industry Compliance Arrangements

- 2002 Tasman Economic Report reveals drop in productivity in construction sector
- 2002 Building Industry Taskforce created
- 2003 Cole Royal Commission reveals lawless culture
- 2005 ABCC replaces Taskforce
- 2007 Disputation at historical lows, productivity escalates
- 2007 ALP Policy to abolish ABCC



The Wilcox Review

The background of the slide is a faded, grayscale image of a construction site. A large tower crane is visible in the upper half, with its long jib extending across the top. Below the crane, the skeletal steel framework of a multi-story building is under construction, showing various levels and structural elements. The overall scene is hazy and serves as a backdrop for the text.

Consultation on the structure,
independence, powers, resourcing
and other matters relating to the new
specialist division

A Tough Cop or Toothless Tiger...

➤ In 2003 Cole Royal Commission found widespread disregard of

- the rule of law
- freedom of association provisions
- the terms of agreements
- AIRC and Court orders

➤ In 2008 the statistics are great but has the culture changed?

➤ Coercive Powers and capacity to prosecute individuals under threat.

➤ AMMA will release discussion paper on 9 September 2008

Legislative Reform Phase II

When and what to expect

Substantive Workplace Relations Reform Bill

- On agenda for next NWRCC meeting
- COIL will then review Bill
- Will be tabled in the last session of Parliament
- Expect Senate review to occur in new year
- Bill could be passed in July 2008. Fully operational by 1 January 2010

Items of particular interest

- Access to NES flexibility and interaction with agreements
- Majority rules collective bargaining
- Good faith bargaining and power of AIRC to impose agreements
- Operation of Common law agreements for high income earners
- Unfair dismissal arrangements (FWA 'Kangaroo Court' and appeal rights)
- Right of entry provisions
- Powers of ABCC replacement body