

The Safety Net: Labour Standards in the New Era

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The introduction of the Workplace Relations Amendment (Work Choices) Act 2005 by the Howard Government made dramatic changes to the safety net underpinning the law of work in Australia. The deficiencies of those Work Choices provisions were highlighted powerfully by the ACTU's 'Your Rights At Work' campaign. Although the Coalition responded with the Workplace Relations Amendment (A Stronger Safety Net) Act 2007, the changes it made were too little and too late and the Coalition Government was defeated in the November 2007 election. Prior to the election, the Labor Party had signalled its commitment to a strong and fair safety net and this aspect of its reform agenda received attention early from the Rudd Government. In February 2008 an exposure draft of its proposed new National Employment Standards (NES) was released.¹ Shortly thereafter followed the Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008 (the Transition Act), allowing for the initiation of the award modernisation process. Then on 28 November 2008, a year and a day after the 2007 election, Julia Gillard, the Minister for Employment and Workplace Relations, introduced into the Parliament the Fair Work Bill 2008 (FW Bill). The Bill set out the detail of the Labor Government's new Fair Work regulatory system, including a new safety net comprising the NES and a system of 'modern awards'. Work Choices, the Minister declared, was soon to be confined to history.

In the area of minimum standards the Work Choices amendments were arguably at their most controversial and radical. Work Choices marked a break with Australian traditions of labour regulation by enshrining in legislation a set of minimum standards, known as the Australian

¹ Department of Education, Employment and Workplace Relations, *Discussion Paper: National Employment Standards Exposure Draft*, Commonwealth, Canberra, 2008 ('NES Exposure Draft').

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