

Employee Bill

clears House

Parliamentary sittings in February and March ended with a number of significant pieces of legislation considered by the House and sent to the Senate.



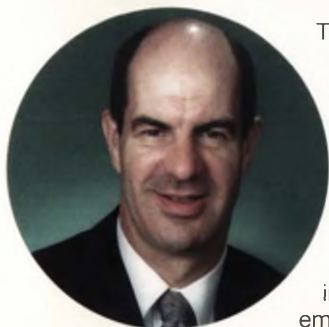
Joe Hockey, Minister for Financial Services and Regulation, introduced employee entitlements legislation into the House.

Employee entitlements

On 17 February 2000, Joe Hockey, the Minister for Financial Services and Regulation, introduced the Corporations Law Amendment (Employee Entitlements) Bill 2000 into the House. The bill proposes amendments to the Corporations Law that will:

- introduce a new offence to penalise persons who deliberately enter into agreements or transactions for the purpose of avoiding payment of employee entitlements;
- allow a court to order people in breach of the new offence provision to pay compensation to employees who have suffered loss or damage because of the agreements or transactions; and
- deem that a company incurs a debt for the purposes of the insolvent trading provisions when it enters into an uncommercial transaction, thereby extending the current duty on directors not to engage in insolvent trading.

In his second reading speech, Mr Hockey stated that the bill "will send a very clear message to corporate employers that deliberately avoid obligations to their employees and it says to them that their conduct is not acceptable".



The Opposition was critical of the bill, with Shadow Assistant Treasurer, Kelvin Thomson (pictured left), stating that the bill "will do very little, if anything, to protect employee entitlements". Mr Thomson added that the bill "is deficient in a number of regards and will not be effective in protecting workers' entitlements or in assisting workers to recover lost employee entitlements".

Dairy Industry Adjustment Program

A package of four bills relating to the implementation of the Dairy Industry Adjustment Program (DIAP) was debated in the House in February and March. The main object of the DIAP is to assist the dairy industry to adjust to deregulation by providing for dairy structural adjustment payments and dairy exit payments. The Dairy Adjustment Levy, which is expected to run for eight years, will raise an anticipated \$1.74 billion. This will be through the introduction of a levy of 11 cents per litre on the sale or equivalent transaction of all liquid milk products, commencing 8 July 2000.

Agriculture, Fisheries and Forestry Minister, Warren Truss, noted that the proposal "represents the single largest deregulation and adjustment process of any rural sector".

During the second reading debate, Gavan O'Connor, Shadow Minister for Agriculture, Fisheries and Forestry, indicated that the

Opposition had serious reservations about several aspects of the legislation. He was critical of government action in this area, stating that the government's response has "failed to include measures that really address the long-term future of this industry in what we know to be a corrupted and extremely competitive global trading environment". Mr O'Connor also drew attention to the "wider impact of dairy deregulation on regional communities in the processing and manufacturing chain and on the myriad of small businesses in regional areas that rely on the growth of the dairy industry for their survival".

Following consideration of the bill in the Senate, and amendments made by the Senate and agreed to by the House, the legislation was amended to include funding of up to \$45 million for the delivery of a dairy regional assistance program. Mr Truss observed that "a number of positive outcomes can be achieved through this program for regional communities, such as business and community initiatives to create long-term employment as well as access to retraining and counselling services through the provision of community infrastructure and services".

Census information changes

Bipartisan support was given to the Census Information Legislation Amendment Bill 2000 when it was considered by the House during the Autumn sittings. The bill's main purpose is to ensure that name-identified 2001 Census information (relating only to those households which give explicit consent) will be stored by the National Archives of Australia to be preserved for release for future genealogical and other research after a closed access period of 99 years.

The House of Representatives Standing Committee on Legal and Constitutional Affairs, in its May 1998 report *Saving Our Census and Preserving Our History*, advocated the saving of name-identified Census information. The House Legal Committee had concluded that the saving of name-identified Census information for future research, with appropriate safeguards, will make a valuable contribution to preserving Australia's history for future generations.

The retention of Census records from future Censuses will be considered in the light of the 2001 experience.

Where can I get the details on proposed laws?

The progress of bills can be checked from the Daily Bills List on the Internet at: www.aph.gov.au/parlinfo/billsnet/blist.pdf

The text of bills and the explanatory memoranda which explain them are available on the Internet at: www.aph.gov.au/parlinfo/billsnet/bills.htm

The debates on the legislation can be found on the Internet at: www.aph.gov.au/hansard