



## HARDIE DIRECTORS FINED A PITTANCE

Last week the Supreme Court disqualified former Hardie chief executive Peter McDonald from managing a company in Australia for 15 years and fined him \$350,000 over the under-funded asbestos compensation fund. Ten former Hardie executives were also fined, between \$75,000 and \$30,000, pittance amounts.

Ahead of the Supreme Court's decision in the ASIC civil prosecution, Australia's peak victim's advocacy organisation called for the Australian government to commit fines levied by the Court into the asbestos compensation fund for victims, into education about the safe handling of asbestos and into research to find a cure for mesothelioma.

The Asbestos Diseases Foundation of Australia (AFDA) said that these fines would normally go into consolidated revenue but on this occasion the priority should be victims of the company's asbestos products.

AFDA President Barry Robson said that under the Corporations Act, Justice Ian Gzell can impose fines and/or ban individuals from being directors of a company and that if the maximum fines are handed down, all up it should have totalled in excess of \$2 million.

"We say the fines should go to the victims – after all the fines would arise out of the company, executives and directors behaviour in trying to move off shore without leaving adequate funds.

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## FAIR WORK ACT 2009 : AN OVERVIEW

The national workplace relations system changed from 1 July 2009.

Some of the key features of the new workplace relations system are:

- a system based on bargaining at the enterprise level
- protections from unfair dismissal for employees
- protection for the low-paid
- a balance between work and family life, and
- the right to be represented in the workplace.

The *Fair Work Act 2009* promotes national economic prosperity and social inclusion by providing a balanced framework designed to encourage co-operative and productive workplace relations.

### Commencement and Coverage

#### When will the Fair Work Act 2009 commence?

The new workplace relations system, including the new collective bargaining and unfair dismissal frameworks, commenced on 1 July 2009.

Parts of the *Fair Work Act 2009* concerning agreement making, industrial action, compliance, general protections and right of entry are necessarily connected with these frameworks and also commenced at this time.

**Fair Work Australia** and the **Fair Work Ombudsman** will manage the new system from 1 July 2009. The Australian Industrial Relations Commission will continue to complete the process of award modernisation for a limited time.

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