Speech by

# Hon. P. BRADDY

## MEMBER FOR KEDRON

Hansard 2 December 1999

### MINISTERIAL STATEMENT
### Workplace Relations Legislation

**Hon. P. J. BRADDY** (Kedron—ALP) (Minister for Employment, Training and Industrial Relations) (9.49 a.m.), by leave: Earlier this week, a Senate committee tabled its report on the Workplace Relations Legislation Amendment Bill—Peter Reith's so-called second-wave changes. Peter Reith's response to criticism of his legislation by the committee, including criticism by Democrat Senator Andrew Murray, is that the second-wave changes to the Workplace Relations Act are like servicing a new car after 20,000 kilometres. Reith implies that all it needs is to change the oil, change the filters and tighten a few nuts and bolts here and there. But the fact is that the results of the Senate inquiry confirm that the legislation should be recalled entirely due to its inherent design defects. The recall is long overdue for the many Australian workers and members of the Australian community who have suffered as a direct result of the unfair and unbalanced Reith industrial laws.

Clearly, Mr Reith has failed to make out a case for any further changes. Democrat Senator Murray has branded the Bill as "too harsh, too regressive and too unfair to attract our support". Democrat leader Meg Lees has now stated that her party will reject every one of the Bill's key elements. She said—

> "It is very difficult to unscramble the omelette to make this Bill fair and balanced."

It is notable that the major elements of the Bill that were rejected outright were the key planks of the Federal Government's brave new world for the Australian workplace, relating to conciliation, mediation, awards, agreements, AWAs, secret ballots and independent contractors. This has only justified and confirmed our Government's submission to the Senate inquiry that highlighted the grossly unfair and unbalanced nature of the existing laws and the proposed amendments.

Indeed, the Queensland Government's abolition of the small business exemption from unfair dismissal laws has been backed by Democrat Senator Murray in his supplementary report. As noted by Senator Murray, the Queensland Government evidence to the inquiry has once and for all debunked the myth propagated by some employers and the coalition that exempting small business from unfair dismissal laws is linked to jobs growth. Once again—and for the record—there is no evidence to support the claim that the previous small business exemption contributed to employment growth. The report has also illustrated the dismal failure of the Federal Government's award-stripping process. In 1997, there were 3,197 Federal awards. As at 31 October 1999, only 359 awards had been simplified—a mere 11% in nearly four years—when Reith's architects said that the whole process would be completed in 18 months.

On the Australian Industrial Relations Commission, it is encouraging also to see the outright rejection by both Labor and the Democrats of the attempts to cheapen and politicise the independent umpire by introducing fixed terms of limited tenure for members of the commission. According to Senator Murray—

> "Controlling the appointment process, controlling the dismissal process, and putting employees on short-term contracts, results in a significant and regrettable loss of independence."

Perhaps one of the most pertinent comments is that one of the most difficult issues confronting us as individuals and as a society is how to balance the competing demands of our working lives with our

personal lives. It is indeed disheartening that the Federal Government has chosen not to even address this matter—blatantly ignoring the social impact of its deregulatory approach to industrial relations suffered by Australian workers over the last three and a half years.

The dissenting senators' reports are a slap in the face for the Reith proposals. Importantly, the inquiry has highlighted the real need to amend the Federal laws to redress the social inequities many Australian workers have suffered as a direct consequence of the introduction of the Workplace Relations Act in 1996. At a bare minimum, the Federal Government should now make the following amendments to the Act—

in line with Queensland's legislation and the recent Human Rights and Equal Opportunity Commission report, introduce maternity leave provisions for long-term casual employees;

amend the operation of Australian workplace agreements in line with Queensland legislation to ensure there is a stronger public interest test, that they only apply to adult employees, and that the more vulnerable and disadvantaged are protected;

bring Australian workplace agreements before the Australian Industrial Relations Commission to ensure they are subject to independent scrutiny and approval; and

increase the powers of the independent umpire—the Australian Industrial Relations Commission—to ensure that the Australian community, workers and employers are protected from damaging and protracted industrial disputation such as has been witnessed under the Workplace Relations Act.

The report has illustrated that Reith's mantra of promoting choice is illusory. Reith's mantra of choice clearly does not include mutual choice. He shows little regard for the position of vulnerable workers or for the need to provide greater balance and concern for the social consequences of his Act. Reith's Bill is rejected as unfair and unjust legislation. By comparison, the report demonstrates that Queensland's new industrial laws have the right approach in balancing social and economic goals and promoting fairness between employers and employees.

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