

**KELVIN THOMSON MP**  
**WORKPLACE RELATIONS AMENDMENT (TRANSITION TO**  
**FORWARD WITH FAIRNESS) BILL 2008**

**Second Reading**  
**13<sup>th</sup> March 2008**

**House of Representatives**

[Mr KELVIN THOMSON](#) (Wills) (10.28 a.m.)—It is just a little bit painful and embarrassing to watch and listen to members opposite sitting on the fence, twisting, as they agonise over whether to support Labor's legislation or not. We are yet to hear a clear statement from members opposite as to whether they support Labor's changes to the Work Choices legislation, whether they support our transition to Forward with Fairness or whether they do not. Clearly they are in the position of someone playing one of those pacman games where you get into a corridor and, whichever way you go, there is a monster waiting to eat you. If they decide to support our legislation, they will be seen by many as insincere, particularly given the tens of millions of dollars of taxpayers' money they were prepared to spend during the last parliament, engaging in their scare campaigns and opposing Labor's position. On the other hand, if they refuse to support our legislation, they will be seen by many Australians as continuing to be out of touch with the Australian people. So they are all over the place. They do not know which way to turn, and we are yet to hear a clear statement from them as to whether they will support our legislation or not.

There was, indeed, no more important issue during the last election campaign than this issue, and I want to pay tribute to the Australian trade union movement and to acknowledge the role of the Your Rights at Work campaign in determining the election outcome. There were plenty of members of the Liberal Party who described the trade union movement as passe, out-of-date and going the way of the dinosaurs. Well, they turned out to have a few teeth. In fact, what the Liberal Party needs to do is to recognise that there is an ongoing role for the trade union movement, that it is the case that workplaces are inherently unequal, that we do need a place for trade unions and that we need a place for a centralised umpire in order to ensure that there is fairness in the workplace. Over many years that has been a fundamental difference between the Liberal and Labor parties.

Those opposite believe in the unfettered freedom of contract. They have this naive or perhaps self-serving idea that employers and employees should be free to contract without any fetters whatsoever. Now the fact of that is that workplaces are an inherently unequal situation and freedom of contract means that employers say to employees: if you want the job, you will sign here. We saw it with the former government's legislation. Without any mandate at all, the former government introduced the Work Choices legislation, and the consequences of that legislation were that employees lost their right to pursue actions for unfair dismissal and, therefore, employers could sack employees without giving any reason whatsoever. So the prospect of unfair dismissal was hanging over employees each time they entered the workplace.

Secondly, Work Choices was used as a battering ram for an attack on overtime and penalty rates. It is essentially the view of those opposite that workers ought to be available to show up for work any time and anywhere at the discretion of the employer, without any penalty to the employer attaching and without any recognition of, or compensation for, the hardship that that might entail. So if you are told to show up at 2 am on Saturday morning, according to many of those opposite, you should be paid the same rate of pay as someone working an

ordinary nine-to-five week. That reflects no understanding of the impact of those kinds of arrangements on families, no understanding that workers are more than simply a cog in the workplace machine and no understanding of the role of parents in taking children to school or to sporting events on weekends and the like. That is what we saw with Work Choices.

In the process, the coalition ditched enterprise bargaining which was introduced under the Keating government. It was a Labor government that did away with centralised wage fixation. Enterprise bargaining proved to be highly successful. It was the springboard for much of Australia's economic recovery through the 1990s and it was the springboard for much of our productivity growth and improvement. It recognised that workers and employers are engaged in a common enterprise and that it is in the best interests of a company to have negotiation at the enterprise level. But, instead, the coalition did away with that and said, 'What we want is individual contracts.'

In so doing, they managed to apply a double standard. When we talk about executive pay, we always hear from those opposite of the need for us to pay top dollar in order to be internationally competitive, to provide proper reward for the best and brightest. You hear expressions such as 'If you pay peanuts you'll get monkeys' et cetera. But when it comes to others in the workplace, when it comes to truck drivers, teachers, cleaners or shop assistants, they turn out to be only a labour cost, and we are at risk of inflation. So we have this double standard from those opposite, instead of an understanding that each enterprise is engaged in a common endeavour and that employers and employees should work together to secure the best possible outcomes for both of them.

The Australian people voted for change on 24 November—change which included the restoration of fairness in the workplace. The [Workplace Relations Amendment \(Transition to Forward with Fairness\) Bill 2008](#) begins that process by delivering on our promise to abolish Australian workplace agreements. Those AWAs cut protected award conditions. They created an imbalance in the workplace and undermined Australia's sense of a fair go. It was the ideological invention of a party that had secured no mandate for this workplace reform but arrogantly imposed it on the Australian people. Just how out of touch the former government had become over the years was amply demonstrated by the member for North Sydney on *Four Corners* recently when he said that cabinet colleagues were unaware that workers could be worse off under Work Choices—if true, truly remarkable.

This bill represents a fulfilment of a promise which Labor made to the Australian people to deliver fairness and consultation back into the workforce. It is a bill whose contents were clearly outlined prior to the last election and which committed to rid Australia of all statutory agreements. Labor believe that we can have a fairer, simpler and more balanced workplace relations system in which there is no need for AWAs or statutory employment agreements. The essence of those agreements is that they override the safety net. We believe that we need a safety net. A modernised safety net means there is no need for individual instruments which can override it. Common law contracts represent a fairer alternative, and employees should always have a safety net which they can rely on. We believe that this system will be better for productivity and, therefore, better at negating and curbing inflation. We campaigned on this proposal, and we are now delivering on it.

I will give just one example of the kind of thing that went on under Work Choices. This example was provided to me by the Textile, Clothing and Footwear Union, which said:

After many years of meeting employees in the lunch rooms, the union was ... directed to meet employees in a room adjacent to management, in clear view of numerous managers. Employees felt intimidated and many did not meet with the union. The room also did not have adequate facilities for employees to eat their lunch, and the union was directed only to meet with employees at lunch. This meant that those employees that did meet with the union did so for only a short amount of time, so that they still had time to eat their lunch. The TCFUA complained to the company about the situation concerning the room offered for meetings. The company rejected the union's claims and has continued to refuse the union access to the lunch rooms. The last union meeting was held in the car park of the factory.

That is that kind of thing that Work Choices promoted. It is the kind of thing that we believe needs to disappear so that there can be a proper role for unions in the workplace. We think there is a proper role for a central umpire in the workplace. The vulnerability of textile workers and outworkers is well documented—it was acknowledged even by the Howard government—and I believe that steps need to be put in place to properly protect those workers.

I commend this legislation to the House. There was no more important issue than this during the course of the last campaign. This is Labor delivering on the mandate it has been given—unlike the previous government, which introduced Work Choices without any mandate or prior explanation whatsoever.

**KELVIN THOMSON MP**  
**Federal Member for Wills**