



Kelvin Thomson MP  
Federal Member for Wills

**FAIR WORK BILL 2008**  
**02/12/2008 Second Reading**

**Mr KELVIN THOMSON** (Wills) (10.21 p.m.)—People who think that there is no difference between the political parties ought to pay more attention to parliamentary debates. In particular, they ought to pay more attention to this one, because it makes absolutely clear what a stark difference there is between the two parties. The member for Indi described the Fair Work Bill 2008 as an anachronistic return to an era of union domination. The opposition will vote for it, but they will be speaking against it. They give the game away. They cannot help themselves. The Liberal Party is still the party of Work Choices.

The absolute bedrock of difference between the Liberal Party and the Labor Party concerns the issue of relationships between employers and employees. The Liberal Party's belief in free markets, in market fundamentalism, is such that they believe in individual bargaining between employers and employees. The Labor Party, by contrast, believes that this is inherently unfair. We believe that the inherent bargaining strength of employers needs to be leavened and some balance achieved in essentially three ways. Firstly, we believe there needs to be a right for employees to organise themselves and bargain collectively through trade unions. Secondly, we believe in the existence of an independent umpire who can resolve disputes. Thirdly, we believe there need to be certain minimum standards to protect those workers who have the least bargaining power. This difference between the two parties was true a hundred years ago and it is still true now. It is an ironic piece of history that former Prime Minister Howard lost his seat in the election following the introduction of Work Choices, just as way back in 1928 Stanley Melbourne Bruce lost his seat of Flinders when the conservative party which he led sought to do away with the independent umpire. So this kind of difference between the political parties has been true for a hundred years.

The opposition have forever been on the lookout for opportunities to do away with the rights of trade unions, with the independent umpire and with the legislated minimum standards. They referred to the Fraser years as a lost opportunity. Then we had the era of John Hewson, John Howard and 'jobs back', which was one of the things which cost them the unlosable election of 1993. And, of course, we come to Work Choices, which cost them the election last year. Those opposite know perfectly well that this is what cost them the election of last year, so now they are torn and conflicted. Some of them say that Work Choices is dead because they know that it is a lemon and that the voters do not want it, but others do not want to throw out Work Choices. The member for Hume threatens to cross the floor over it, and others in the debate make it all too clear that they are not really signed up to support this bill. Their mood is defiant. Deep down in

their hearts, they still believe in Work Choices. They still believe there should be nothing standing between employers and employees in negotiations. One of the odd things about this view of the world is that it has led to more regulation rather than less. We saw a massive bill of over a thousand pages designed to restrict employees, designed to restrict unions and, indeed, designed to restrict employers with yards of red tape. You would think their view would lead to less regulation; in fact, it led to more.

The other point I want to make about the historical take on this is that in the years since the Keating government, Labor's modern view of the needs of the workforce and the needs in workplaces is that of enterprise bargaining. The introduction of enterprise bargaining has been a great success and has led to productivity improvements far in excess of those which occurred during the period of Work Choices.

During the period after the introduction of Work Choices, it seemed to me in talking with workers that three issues were really on their minds: the issue of overtime, the issue of penalty rates and the issue of unfair dismissals or job security. Those opposite essentially do not believe in overtime and penalty rates. They think that these are restrictions on workplaces and on employers and that the boss should be free to work the workers whenever he or she sees fit. We on this side think that is unreasonable. We think that, if you are required to work in the early hours of the morning or on weekends, there ought to be some penalty attached to that, some recognition of the hardship in relation to work and family life that that involves. In the area of job security, those opposite believe that the employer should have the right to get rid of any employees who they no longer wish to have working for them. We believe that this represents a real hardship for employees. Taking away their sense of job security is a hard thing for an employee to live with, and it certainly makes things difficult in terms of planning for the future, getting housing loans from banks and things like that. These were key issues in the election where voters decided that Work Choices was not for them.

The bill before the House implements a workplace relations system that restores balance and fairness. It will promote productivity growth, it will put to the sword the ideologically driven Work Choices and it will give us economic growth and productivity. The opposition do not like to acknowledge it, but the fact is that economic growth and productivity had been occurring under the existing system—inflation had been contained and there were low levels of unemployment and industrial disputes.

Work Choices was not about economic reform at all. It was about the ideological agenda. It was the agenda of the former Prime Minister. It was also the agenda of the member for Higgins, a foundation member of the HR Nicholls Society, an organisation committed to the radical deregulation of the labour market, including getting rid of minimum wages. Even after Work Choices was implemented, the member for Higgins indicated that more radical reforms should be considered—using the minimum wage as the starting point for negotiations between an employer and employee, excluding any conditions and extending the unfair dismissal exemption to all workplaces. It was not just the member for Higgins who wanted to go further. Senator Nick Minchin told the HR Nicholls Society in 2006 that there was still a long way to go and asked for their forgiveness that change had not been as rapid as they would have liked. The opposition have that kind of attitude and that is still what they think. Who could forget the member for North Sydney revealing on *Four Corners* earlier this year that cabinet colleagues in the Howard government were unaware that workers

could be worse off under Work Choices? It is worth emphasising the impact of Work Choices on people in low-paid employment.

## **FAIR WORK BILL 2008**

### **03/12/2008 Second Reading**

**Mr KELVIN THOMSON** (Wills) (1.40 p.m.)—The Fair Work Bill 2008 seeks to create a national system, and it is in fulfilling this intention that I will comment on the Building and Construction Industry Improvement Act and the Australian Building and Construction Commission. A national industrial relations system should not have one standard for one industry workforce and another for the rest. The Building and Construction Industry Improvement Act takes workplace relations power away from those with a practical interest in a cooperative approach on construction projects—that is, unions, employers and others directly involved—and places it in the hands of an industry watchdog, the Australian Building and Construction Commission.

The Building and Construction Commission is an unnecessary concentration of executive influence with unwarranted investigatory powers for an industrial relations context. The absence of safeguards and oversight for the Building and Construction Commission has the potential to infringe and restrict the basic democratic rights of individuals, such as freedom of speech and freedom of association. It marginalises an industry and selectively denies construction workers basic and universally applicable labour standards. Workers and employers in the building and construction industry have their right to silence and the privilege against self-incrimination denied or face the penalty of six months imprisonment for failing to cooperate with the Building and Construction Commission. Whole-of-employer arrangements take the reach of the ABCC into a wide variety of areas such as local government and therefore, bizarrely, to childcare workers and librarians.

The ABCC operates without the appropriate checks and balances or any sense of industrial fair play to ensure all stakeholders in the construction and building industry are scrutinised equally—a situation in need of reform to make the use of its investigatory powers more accountable. Action should be taken to address the misuse of power by the ABCC. It is a relic of an adversarial system and has no place in a modern economy. Creating a truly national workplace relations system should not mean subjecting one section of the workforce to separate laws. It is important that we fulfil our international obligations regarding our domestic industrial relations arrangements.

In conclusion, the Fair Work Bill is based on the important premise that economic prosperity and a decent standard of living do not have to come at the expense of one or the other, which was the reality of Work Choices. Labor's laws bring the workplace pendulum back to the middle, where it should be and where the electorate in 2007 voted strongly for it to be. The government's new workplace relations system will provide a strong safety net that workers can rely on in good times and in uncertain economic times. This bill consigns Work Choices to the dustbin of history. It had no place in the Australian workplace fabric and it still has no place in the Australian workplace fabric.