



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

Fair Work Amendment Bill 2014

Second Reading

SPEECH

Tuesday, 26 August 2014

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Date Tuesday, 26 August 2014
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Questioner
Speaker Zappia, Tony, MP

Source House
Proof No
Responder
Question No.

Mr ZAPPIA (Makin) (19:29): The Fair Work Amendment Bill 2014 does two things. Firstly, it purports to respond to the 2012 Fair Work Act Review and the 53 recommendations that arose from that review. Secondly, the bill purports to implement coalition election policies. Neither of those claims are accurate when you look closely at what is in the bill. It is interesting, when you listen to speakers opposite, to hear how they are prepared to distort the interpretation of what is in the bill to suit their arguments. Many of the 53 recommendations which arose from the 2012 Fair Work Act Review were, in fact, implemented by the last Labor government with respect to the Fair Work Amendment Act 2012 and subsequently the Fair Work Amendment Act 2013. Both those acts implemented the recommendations which we on this side of the House thought were fair and reasonable.

Going to the second point in respect to the claimed that this legislation implements coalition election policies, again that is not true either. I would suggest that members opposite who come into the House and constantly make that claim look carefully at what their policies specifically said in the lead-up to the 2013 election and how they match up with what is in this legislation because close scrutiny will show that the legislation goes much further than those opposite claim it does and goes much further than the policies they took to the 2013 election said they would do as well.

As many members on this side of the House have already made clear, this legislation is the first step to the Abbott government implementing its extreme, right-wing industrial relations policies, policies which the coalition failed to get through this place in 2007 because they failed to win the election, I believe largely because the Australian people rejected their Work Choices policies. Most Australians I spoke to at the time, regardless of on which side of politics they stood, saw right through those policies and knew they were bad for all working Australians. Indeed several people, whom I know are not supporters for our side of politics, were not concerned about Work Choices for themselves but for the children and their grandchildren, who they felt would perhaps not have the experience to look after their workplace conditions in the same way they were able to do.

As others have clearly spelt out, the name 'Work Choices' may be dead, buried and cremated, but the ideology is alive and well in the minds of coalition members and in the minds of their key political puppet masters. This legislation covers the key issues of union right of entry, greenfield agreements and individual flexibility arrangements. Those of the three key areas where I suspect we differ from coalition members with respect to the legislation. These are matters for which, in this legislation, the balance of fairness is heavily skewed in favour of the employers against the employees. Not surprisingly, I speak in support of the very sensible amendment moved by the member for Gorton—that is, that this bill be not given a second reading. Contrary to what the government claims, the propositions in this bill go much further than their commitments made before the election and the claims being made by members as they come into the chamber to support this legislation. I just heard the member for Wannon. It is interesting how different people can read this legislation and come into this place to put their own interpretation on it. I suggest members opposite look not to comments from the people on this side of the House and not to the comments from members of their own side. If they were to look to the Parliamentary Library's assessment of this legislation they would find that the concerns we have are very clearly articulated in the paper put out by the Parliamentary Library.

It should come as no surprise that we see another election commitment broken—that is, the commitment on industrial policy which the coalition took on the 2013 election. Since its election, we have seen this government break promise after promise. We have seen it with the \$80 billion cuts to health and education. We have seen it with changes to pensions, when they promised not to make any such changes. We have seen it with cuts to industry assistance, cuts to the ABC and SBS, cuts to research institutions, cuts to Newstart payments, the \$7 doctor tax and the increases in petrol tax. There is a litany of broken promises by this government so it should come as no surprise that they are also going to break their promise on matters of industrial relations, which they fought so strongly for in the 2007 election, which they lost, but which they have not given up on.

The Australian public have been betrayed by the Abbott government. Let me tell members opposite that the people I speak to clearly tell me that they know it. They are no fools and they know when they are being given spin by members of the coalition, particularly by the Prime Minister himself. There is another matter relating to all of this legislation which is deeply concerning. It is one thing to come into the House and constantly attack the unions. I have heard that since 2007 when I was first elected. Every time there is any form of industrial legislation brought before this place the first thing members opposite do is attack the unions. Rather than going to the substance of the legislation that is being debated, there are always generalisations about the union, never once looking at the specifics and the detail of what is being proposed.

They have now gone even further since the election of the Abbott government—that is, to blame working Australians, as part of their narrative, for why the Australian economy is in difficulty and for why so many Australian businesses are also having their own problems. 'Do not look at other factors but look straight at the workers and blame them.' We are hearing it continually from those opposite. We heard it in respect of the Toyota and Holden autoworkers where their wages and conditions were being blamed for the difficulties the automakers were having in Australia. We heard it with respect to SPC Ardmona where all sorts of claims were being made about the wages and conditions of those workers—claims that simply were not true—and it took a member of the coalition to come into this place and refute the comments of her own Prime Minister.

We have heard it constantly in respect of the woes that the restaurants in this country are having where, every time we talk about difficulties, the first thing that members opposite do is blame the workers who work for those organisations for the demise of those industries. I find those attacks on working Australians very unfair and, quite frankly, very wrong.

We are told that workers' remuneration, work packages and entitlements are causing so much difficulty in the Australian economy. What members opposite are trying to do is set a narrative, whereby working Australians are expected to lose conditions that, in many cases, have been hard fought for over the last 100 years or so and to work longer hours—and I now see that on a regular basis—for less pay, with fewer working rights. I frequently speak to people who tell me that they work much more than 40 hours a week, but they do not get paid for it and that it is expected of them. It has now been ingrained into them that, if they do not do that, they will be seen as someone who is perhaps not contributing their fair share to the workplace.

We know full well that those same people probably work where they do because they need a job. They have bills to pay and they also have families to keep and the like. So they cannot afford to stand up for their rights because they cannot afford to, in any way, risk losing their job. So we see them being put under pressure and, bit by bit, their work entitlements are being taken away from them. This legislation goes in that very direction and takes it just that little bit further.

We have also seen Australian workers being put under pressure to accept the conditions that they work under by the easing of regulations relating to allowing foreign workers to come into Australia on 457 visas and do work that could otherwise be done by Australians. There is only one reason for that: those workers more than likely come from countries where their wages and conditions are much less than those of Australian workers.

They are prepared to work in Australia for the same conditions—maybe better conditions—that they might have worked for in their own country and certainly for much less wages than what Australian workers would. It is a way of putting pressure on Australian workers to lower their own standards.

We know that most employers want to do the right thing by their employees and we know that most employees want to do the right thing by their employers. But there is no doubt in my mind that there are many unscrupulous employers who are prepared to take advantage of workers whenever and wherever they can. People have come to my office not once, not twice but time and time again where they have been badly treated by their employer and sought assistance from my office. It happens; it is the real world. Just as it is the real world in that I have no doubt that there are employees who do not do the right thing by their employer. But we need to strike a fair and proper balance and this legislation simply does not do that. What concerns me most about this legislation is that the people who are likely to be the worst affected, the people who rely the most on support from their unions, the people who are not in the best position to enter into individual agreements with employers are likely to be those people on the lowest incomes, young people, new arrivals, women and part-time workers. They are already at the low end of the scale in terms of the income they receive. Yet they are the people who most rely on support from outside and, for workers, that support comes from the unions of which they are members. Yet

this legislation is clearly trying to make it much more difficult for them to get support from the unions by not allowing unions a right of entry as easily as they might have had in the past. It is part of a belief, an ideology that the Abbott government and coalition members opposite have and which they will continue to have if they support this legislation.

I doubt very much that any member opposite would ever want to be treated unfairly by an employer. I doubt very much that any member opposite would like to see conditions cut or work entitlements taken away from either them or any family member. But yet that is exactly what they are agreeing to do if they support this legislation.

The legislation was referred to the Senate Education and Employment Legislation Committee. I understand that Labor produced a dissenting report. I want to specifically talk about the part that deals with greenfields agreements, because I think that is one of the critical parts of this legislation. It is clear from this legislation that the greenfields agreement component is skewed in favour of employers and, in particular, the notion that if you do not have an agreement within three months then you can go to the commission certainly smacks of trying to deliberately set up a framework whereby you can stall the negotiations for three months, waste your time, drag your feet and then, at the end of three months, you do not have to negotiate anymore. That is not what the recommendations from the 2012 review suggested but yet coalition members are saying it was part of the review and that is why they are doing it. That is simply not the case.

This legislation, as many of my colleagues on the Labor side of parliament have already made clear, is the first step by the Abbott government and coalition members to reintroduce all of the elements of Work Choices, albeit under different names. Labor is opposed to this bill and the member for Gorton, speaking on behalf of Labor members as the shadow minister, has made it clear that we will oppose this legislation and we do so for good reason because it does not strike a fair balance between the rights of workers and the rights of employers.