



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

**WORKPLACE RELATIONS AMENDMENT
(IMPROVED PROTECTION FOR
VICTORIAN WORKERS) BILL 2003**

In Committee

SPEECH

Thursday, 4 December 2003

BY AUTHORITY OF THE SENATE

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Questioner
Speaker Collins, Sen Jacinta

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Senator JACINTA COLLINS (Victoria) (1.28 pm)—I am very happy to deal with all of the amendments together and I think that the contribution Senator Nettle made during the second reading debate about the nature of the amendments was quite adequate. In fact, the detail of the amendments I find relatively familiar. So that will not be an issue, I believe. The issue about dealing with these concerns regarding outworkers, as you highlighted in your speech in the second reading debate, Senator Nettle, has quite a lot of sympathy. Senator Murray and I are very familiar with the reports that you referred to, the outworkers report of 1996 and the outworkers report of 1998. I think that at the time I was chair of the committee that made those reports and I am very familiar with the recommendations. However, as I highlighted in my contribution in the second reading debate, this is about re-establishing award coverage for Victorian workers. Certainly there are many issues associated with outworkers that have not been adequately dealt with in the past in many different jurisdictions. There are limitations in the outwork provisions, even those that the Victorian government has been able to establish but is yet to proclaim and those that exist in New South Wales as well. A detailed examination of those reports will highlight the remaining difficulties.

I would like nothing better than to be in government myself and be in a position to adequately resolve those issues about outworkers. Unfortunately, at this point in time, an ambition of having outworkers deemed to be employees in the federal jurisdiction is beyond our scope. This is not through a want of will from the Labor Party but rather, as you described, a position taken by the Commonwealth government. As I said, this project was commenced and launched as a project to re-establish award coverage for Victorian workers, and the Victorian government has achieved that much. I look forward to a time when any extra claims with regard to improving circumstances for outworkers can be addressed as well. But I am not prepared—and the Labor Party is not prepared—to contemplate compromising this arrangement, and therefore preventing award coverage for Victorian workers coming into effect as soon as possible, in order to resolve further issues which we know the government will not accept. Unfortunately, whilst Labor has much sympathy—as you have highlighted from previous Senate committee reports—with what the Greens are hoping to achieve with these amendments, we are concerned to ensure that Victorian outworkers are afforded maximum possible protection and that Victorian laws relating to outworkers are given their fullest operation. We believe that the bill as amended to include the new section 540A does achieve this aim.

We are also concerned to ensure that the bill passes the parliament, as I have said, as a matter of urgency to assist the hundreds of thousands of Victorian workers who have minimal or no award protection. For these reasons, we will not support the amendments proposed by the Greens. However, I also want to take the chamber and the Australian Greens, particularly Senator Nettle, to a couple of sections of the government's second reading speech on this bill. In the middle paragraph on page 2 of the second reading speech, the government clearly says:

The Bill also recognises the right of the Victorian Parliament to continue to legislate on those aspects of workplace terms and conditions not provided for by the Commonwealth. The Bill makes explicit that Commonwealth common rules are not designed to cover the field and that any Victorian legislation capable of concurrent operation with a common rule award should be given effect.

In case anyone has additional concerns about the TCF industry, let me go to the third last paragraph of the second reading speech, which says:

The Bill would introduce a requirement that contract outworkers in the TCF industry in Victoria receive at least the minimum Schedule 1A rate of pay applicable to employed TCF outworkers, or the minimum rate payable under a relevant common rule award, whichever is the higher.

And yes, Senator Nettle, this does reinforce the two standards which you are concerned about, but the problems are not just in Victoria—and this is why I characterise this as an extra claim on a project to achieve award coverage for Victorian workers. These are problems for outworkers across the nation. And, again—I see Senator Murray nodding too—we would both like to resolve those issues, but the scope to do that with this immediate

project, in light of the government's intention, is obviously very limited. But let me stress the final point in this paragraph of the government's second reading speech:

This entitlement to a minimum rate of pay will not—

and I stress that it will not—

restrict the ability of the Victorian Parliament to implement its own initiatives through Victorian legislation capable of concurrent operation.

If Victoria continues to have concerns about how current provisions may operate concurrently, it is still within its power to rectify any problems. Any achievement beyond that would of course deal with TCF issues across the board, and we continue to have ambition to go down that path. Unfortunately, this matter relating to Victorian awards does not provide the opportunity to further those aims. For those reasons, whilst we support their objectives, on this occasion Labor cannot support the Greens amendments.