

WORKPLACE RELATIONS AMENDMENT (TRANSITION TO FORWARD WITH FAIRNESS) BILL 2008

Second Reading

[Ms RISHWORTH](#) (Kingston) (12.58 p.m.)—It is a great privilege to rise today to add my support to the [Workplace Relations Amendment \(Transition to Forward with Fairness\) Bill 2008](#). On 13 February 2008, the Rudd Labor government kept its promise to the backbone of this country—the workers. On 13 February 2008, this government rewrote the wrongs of an out-of-touch former government, which has resulted in the introduction of this bill. This is the beginning of the end of Work Choices, one of the most unfair initiatives of any Australian government. Unfortunately, we cannot undo the damage that was done by the previous legislation. We cannot undo those dismissals for which there was no recourse. We cannot undo the Australian workplace agreements that were forced onto vulnerable employees and which cut many conditions of employment. The previous government's Work Choices was a regime that truly deserved the adjective 'un-Australian', because Australia has always had a strong tradition of conciliation and arbitration in the workplace.

I have the honour to represent the seat named after the great Charles Cameron Kingston. He was a strong advocate for the arbitration power to be built into the Australian Constitution, following the success of South Australia's industrial arbitration legislation. The previous government trashed that proud Australian heritage. Time and time again when I was doorknocking during the campaign, working families would tell me that they were worried—worried about the future, worried about their kids' future and worried about the continuing increasing cost of living. And they had good reason to be worried. The previous government went too far.

Workers rights were not protected by law as claimed by the former Howard government. The Workforce April 2007, Issue report found that, of 5,250 AWAs examined, 455 stripped away all award conditions, 33 per cent provided no real wage increases, 27.8 per cent may have broken the law, 76 per cent removed shift loading, 59 per cent removed annual leave loading, 70 per cent removed incentive pay and bonuses and 22.2 per cent removed declared public holidays.

Instead of that shameful record, the Rudd Labor government is doing what Labor has always done: protecting working families. It is protecting working families with a strong safety net, protecting working families with a system that promotes enterprise bargaining, and protecting working families with a true independent umpire. Just as in the past, Labor is committed to industrial relations that are relevant and contemporary, a system that encourages jobs growth and economic strength. Labor in government is never wedded to outdated systems or hankering after some past golden age. Neither does Labor seek to pull the rug out from under workers and their rights. Labor seeks a fair and balanced system, and that is what this bill is all about.

The minister has already provided the chamber with much detail on the features of this bill. However, I would like to highlight what I believe will be the key aspects of the success of the government's legislation before us today. The bill will build a genuine safety net for our most vulnerable workers by establishing a new no disadvantage test that will apply for all individuals. The establishment of a new, genuine, no disadvantage test will apply to ITEAs and to collective agreements. The proposed no disadvantage test will ensure a workplace agreement cannot disadvantage any employee.

However, there is no point in having a no disadvantage test if you do not have an award or standard to compare it with. For many working people under the previous regime, Work Choices, their safety net was going to be abolished, with the NAPSAs expiring in March 2009, only to be replaced with five minimum conditions. This would have made the so-called fairness test redundant for many people because their relevant award would no longer exist.

Under Labor's transition bill, the NAPSAs will continue until 31 December 2009. NAPSAs will then be replaced by Labor's modern award system. Most importantly, the bill will ensure that there will be no new Australian workplace agreements from the time the legislation comes into effect. Any AWA that was agreed upon prior to the agreement to this bill will continue until the normal expiry date. This will give some certainty to both employers and employees.

The recent election was one in which workplace relations was front and centre. There can be no dispute that the Rudd Labor government has been endorsed by the nation to restore fairness and balance in the workplace. The Liberal members opposite have floundered with their response to the clearly expressed will of the Australian people. First they defended Work Choices, then they junked it, then they defended bits of it. The coalition members did not get it in two years, and they don't get it now.

The conservatives are out of touch with ordinary working families. In the circles in which they mixed, people thought Work Choices was fine. But, in the lunchrooms and on the factory floors all around Australia, and over the back fences and in the pubs and the shops, people were talking. People knew they were being duded. People knew that they were being betrayed by the supposed friend of the battlers. Even now, the Liberals have great trouble accepting that workers and families rejected Work Choices. The Australian people knew it was unfair. The Australian people said, 'No way.' With this bill, we take a step towards repair, towards a fairer, balanced system.