



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

TONY WINDSOR MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND

Shop 5
259 Peel Street
TAMWORTH NSW 2340

All Mail: PO Box 963
TAMWORTH NSW 2340

Ph: (02) 6761 3080
Toll Free: 1300 301 839
Fax: (02) 6761 3380
e-mail: Tony.Windsor.MP@aph.gov.au
Web Page: www.tonywindsor.com.au

Media Release

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Windsor opposes Industrial Relations legislation

Independent Member for New England, Tony Windsor today voted against the Government's Workplace Relations (Work Choices) Amendment Bill – the Bill put forward by the government to bring in wide ranging industrial relations reforms.

Mr Windsor's decision to vote against the Bill came about as a result of a number of factors including the survey of his New England electorate, concerns over the number of employees being increased from 20 to 100 in the Fair Dismissal component of the legislation that was not part of the Government's 2004 election policy platform, the powers to be given to the Minister to overrule Australian Workers Agreements even if agreed to by employees and employers and his disagreement with the government's belief that, if Australia moves to a different industrial relations system, productivity will increase along with employment rates and therefore Australia will maintain its position in the world in terms of its living standard.

Mr Windsor undertook a survey of the people of the New England Electorate asking whether they were generally in favour of or against the proposals in the legislation.

"The response to my survey was swift from the people of the New England Electorate. Within 7 working days over 2,300 surveys had been returned with 77% being against the changes, 20% in favour of them and 3% undecided.

I also received over 1,300 letters, emails and faxes with over 90% of these indicating that they were against the proposed changes.

I thank the people of the New England Electorate for letting me know their views," Mr Windsor said.

Mr Windsor also looked at how to excise the "Fair Dismissal" components of the Bill and moved an amendment to the Bill to reduce the number of employees criteria for the Fair Dismissal component of the legislation back from 100 people to 20 people as was in the original legislation put forward by the Government which Mr Windsor had previously supported.

As part of his speech to the Parliament during the debate, Mr Windsor said:

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For further information contact Tony Windsor, Ph (02) 6761 3080 or 0427 66 8868

“The government has sent a very nasty signal of uncertainty to the community by increasing the scope of the legislation from businesses with 20 employees to businesses with 100 employees. There was no mandate at the last election to do that. There was a definite mandate that a business with 20 employees was a small business—family owned and operated and face-to-face, where employers needed rights to dismiss people that were different to the rights needed by larger corporations.”

Unfortunately, the Government has seen an opportunity now that it has control of both the House of Representatives and the Senate, to increase the number of employees without having taken its proposal to the community.

Mr Windsor also explained to the Parliament:

“The major concern from the business community in my electorate is unfair dismissal and I think the fact that the government has put that issue into this omnibus legislation, grouping it together with a whole range of other things, such as the Fair Pay Commission, the role of the Industrial Relations Commission, the rights of weaker bargainers, the abandonment of the no disadvantage test and the ministerial power to override agreements at the stroke of a pen, is a concern. That new ministerial power—irrespective of the legislation—is something that we should be dreadfully concerned about. The ethic behind this legislation was supposedly that people would have a choice—that the worker and the boss could make an agreement and decide in their own time about their own business. But now you have this capacity for the minister to suddenly come in and override any agreement.

I have the greatest personal respect and regard for the current minister, but legislation does not stay with the minister in the chair. I am certain that the minister in the chair would not abuse that process, but that does not mean that, with a change of government or a change of minister, abuse could not sneak into the process. That sends a message of uncertainty to the community as well—about why that would be there. If it is not for a negative reason, why is it there? What is the positive aspect of having a WorkChoices process where the minister can come in and overrule something? That is not deregulation—it is re-regulation.

My major concern is that this legislation, although it has some benefits, has a major disadvantage for our community, in both an economic and a social sense. That disadvantage will be the division that it creates within our community. For a little over a decade we have moved into enterprise bargaining and a whole range of other areas where Labor and Liberal have been essentially in agreement. We have had very little disputation in industrial relations. The major motivation behind this legislation has very little to do with productivity. The academic arguments and the opinions that are being put up agree—there is no proof that this legislation will improve productivity. One would hope that it will, because it is going to go through the parliament, but there is no proof that it will.

There is no proof that countries that have less regulation in the labour market have better living standards.”