



AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY

Opinion Piece by ACCI Chief Executive Peter Hendy for the Courier Mail – “No Cause for Worry When IR Laws Kick In” - 24 March 2006

No Cause for Worry When IR Laws Kick In

By Peter Hendy - Chief Executive, Australian Chamber of Commerce and Industry

THE Australian Chamber of Commerce and Industry welcomed the release last weekend of the Federal Government's *WorkChoices* regulations.

In spite of the latest installment of the ACTU's scare campaign, there has always been a long and detailed body of regulations supporting the Workplace Relations Act as well as earlier industrial legislation.

Detailed regulations are necessary to make most pieces of legislation work.

ACTU claims about new restrictions imposed by the regulations in matters such as unfair dismissals and the content of agreements are spurious. These regulations codify existing laws and procedures and give more detail to the legislation passed by the Federal Parliament last December.

It is government policy, legislated law and a High Court judgment that employment agreements can only contain provisions relating to the employment relationship between employer and employee.

The huge array of other matters unions have insisted be introduced into agreements over the years, including provision for trade union training leave, clauses that prohibit a boss from hiring independent contractors and clauses that prohibit an employer from offering any employee an Australian Workplace Agreement are no longer allowed.

Unions can't expect to use old-fashioned industrial muscle to get around the legislative provisions of *WorkChoices*.

WorkChoices will further the shift from the centralised setting of wages and conditions to a system based on genuine bargaining at the workplace level, backed up with enforceable fair pay and conditions standards.

It has been workplace bargaining that has underpinned Australia's significant productivity and real wage improvements of the past 15 years. By further emphasising the role of bargaining in the workplace relations system, *WorkChoices* and accompanying regulations will unlock the potential for further productivity gains and as a result, jobs growth and further real wage increases.



In a major paper last year, ACCI highlighted no less than 84 Australian and international studies that confirm the economic and employment benefits of workplace relations reform.

WorkChoices will give the overwhelming majority of Australian employers and employees access to a truly national system of employment regulation for the first time. These employers will now no longer be pulled backwards and forwards between the interlocking federal and state obligations that evolved over the 20th century.

Employers look forward to a time when all employers and employees can share in an even simpler national system without the complications forced on Work Choices by the states seeking to retain powers over unincorporated entities and challenging the validity of the legislation in the High Court.

ACCI believes that the states should agree to refer their remaining workplace relations jurisdictions to the Commonwealth and will be lobbying for this over the course of this year.

The Australia of 2006 is different from the Australia of 1904, when the Commonwealth system began. More and more people want greater control over their workplace hours and conditions and realise that these flexibilities are best negotiated at the workplace level.

This new system will help to make this a reality.

We have always said that there is complexity in the *WorkChoices* laws. The regulations reflect that. ACCI and its member organisations, which include Commerce Queensland, will continue to study the regulations over the coming days and look forward to the commencement of the Act on Monday.