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## **WORKCHOICES, THE DEMISE OF THE STATE SYSTEMS AND THE FUTURE FOR WORKING LIFE IN QUEENSLAND**

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The *Workplace Relations Work Choices Amendment Bill 2005* (Cth) (the Bill) was at last presented to the House of Representatives on 2 November 2005, ending twelve months of speculation in industrial relations circles and much evident confusion amongst government ministers and spokespersons. The Prime Minister promised the electorate a simple and fair legislative framework for industrial relations that would transfer the majority of employees presently covered by the State frameworks into a new streamlined federal system. No expense was spared on the drafting process. A small army of private lawyers seconded from large law firms was engaged to assist the public sector draftspersons, but even those of us who have become accustomed to wrestling with the appallingly drafted *Workplace Relations Act 1996* (Cth) (the WR Act) have found the 691 page Bill to be complex and confusing.

The Bill does not contain any big surprises. It repeats the essence of all the provisions of Peter Reith's original *Workplace Relations and Other Legislation Amendment Bill 1996* that were expunged by the then hostile Senate. Most of the novel provisions in the Bill are designed to plug gaps in the legislative net forged by union litigation in recent years, while the other new ones seek to put into effect the big plan to create a unitary system based mainly on the corporations power (Lee 2004, 2005b). However, there has not been much detailed examination of how people working under the umbrella of the State systems will fare if they are 'transferred' into the new federal system. This article seeks to partly

redress that situation by exploring how the Bill will affect workers who are currently covered by the State systems.

It is impossible though to investigate all the State systems in an article of this length. Instead, the Bill's key elements are considered in the light of how the current State system in Queensland operates. A brief outline of the Queensland labour market and industrial relations regulatory framework is provided to place the analysis in its economic and political context. The Bill is compared to the *Industrial Relations Act 1999* (Qld) (the Queensland Act) and likely outcomes suggested. The comparative analysis is limited to remedies for unfair dismissal and other unfair conduct, the future of awards, minimum standards and bargaining. For reasons of space, detailed consideration of other significant issues like changes to union rights, especially rights of entry, must be set aside.

The broad conclusion drawn is that employees transferred from State jurisdictions to the *WorkChoices* framework stand to lose unfair dismissal rights, award conditions, statutory minimum standards and some conditions in collective agreements. The effects will be felt most harshly by women, and young and indigenous workers. However, bargaining and agreement making will be more difficult for all employees and unions since the proposed legislation will hand employers the overwhelming balance of power.

### **Drafting to Create a Unitary System**

The principal method the Bill uses to create a unitary system is simply to override State industrial laws. Because reliance is placed on the corporations power, this is limited to the extent that the State laws deal with constitutional corporations. Section 7C of the Bill provides that the WR Act operates to the exclusion of State industrial laws, including laws that permit a tribunal to make an order in relation to work of equal value, laws regarding unfair contracts and right of entry, and any other law that might be later prescribed by regulation. However, the Bill does not exclude State laws that deal with matters such as workers compensation, occupational health and safety and discrimination.

The government expects the proposed unitary system to cover up to 80% of Australian workers, leaving the State systems with employees of non corporate employers and State government employees, but not those employed by State owned corporations. Incorporation is not difficult, and the Government is advising and encouraging employers to do so. However, eminent corporate law scholars suggest that the legal challenges to the unitary proposal mooted by the ACTU and the State governments have good constitutional grounds. It is difficult to predict the High Court's decision, dominated as it is by Howard appointees, while it may take many months for the High Court to hear the case and reach its decision. It is likely, then, that the Bill's amendments to the WR Act will commence in early 2006, in accordance with the Government's plan, but in a climate of considerable uncertainty for employers and employees, especially those currently covered by the State systems.

### **Queensland's Labour Market and Industrial Relations Framework**

Despite many similarities with other Australian industrial jurisdictions, the Queensland economy, labour market, and union structure and behaviour have developed in particular ways, with consequences for how regulation of industrial relations works in practice. These Queensland-specific developments will determine how the proposals for a unitary system actually play out in the State. Queensland is far less centralised than other Australian states, with more than half its population living outside Brisbane (de Plevitz and Bamber, 1998). Its regions are diverse, and each region is centred on fairly large cities, such as Rockhampton and Emerald, which serve agricultural industries and coal mining in Central Queensland; Toowoomba, which serves agriculture on the Darling Downs; and Mt Isa, the metalliferous mining centre of North West Queensland.

The Queensland workforce is relatively small, reaching 1.7 million in 2002 (ABS 2005). On the other hand, it is growing rapidly, expanding by more than 30% in the period 1992 – 2002, compared with 16% for the rest of Australia. The key characteristics of the Queensland labour

market are that almost two thirds of jobs are in the south east corner, mainly in the service industries and the public sector; business size tends to be larger in the south east than in the regional areas of Queensland; and part time and casual work is growing at a faster rate than full time work (QIRC 2001:28; Industrial Relations Taskforce 1998a:38; Mangan 2005). A fairly high proportion of jobs are casual, and women are more likely to work in casual work than are men (Mangan 2005:52; ABS 2005; QIRC 2001:28-32).

These structural features have significantly influenced industrial relations and wage patterns in Queensland, especially the pattern of enterprise bargaining compared to reliance on awards. Like the other states, Queensland has a long history of compulsory conciliation and arbitration. It enjoyed bi-partisan support until the mid-1980s, when the Bjelke-Petersen Government became the champion of 'new right' anti-union ideologies and introduced the most severe strike restrictions in Australia. Upon its election in 1989, Labor repealed the legislation, but in 1997, the new National Party Government followed the lead of the Howard Government, introducing the *Workplace Relations Act 1997* (Qld) (de Plevitz and Bamber 1998). This Act mirrored the federal legislation of the same name. The present Queensland Act, enacted by Labor following its election in 1998, represents a return to the traditions of conciliation and arbitration, but with a strong focus on fairness and equity, collective bargaining, statutory minimum standards and enhanced unfair dismissal provisions.

About one million workers are covered by the Queensland industrial jurisdiction. About 28% of Queensland workers are covered by the federal jurisdiction, with 55% relying on Queensland awards and agreements and the remaining 17% being award free (Industrial Relations Taskforce 1998b:91; Peetz 2004:34-36). Award free employees remain entitled to the statutory minimum standards in the Queensland Act. Individual agreements cover a small proportion of employees in Queensland, while collective agreements cover a relatively high proportion, but the latter tend to be most concentrated in the sectors where union density is high (Peetz 2004: 34-36). Although industrial action in Australia as a whole is now mainly linked to enterprise bargaining, industrial action in Queensland in the December quarter 2004

was less than half the national average: only 2.5 days per thousand in 2002, compared to a national average of 6.1 days (Managan 2005). Average union density in Queensland is similar to the experience in other states: about 23% overall, but is much higher in large workplaces, such as in the public sector, education, health, coal mining, manufacturing and transport industries (Peetz 2004:60-61).

Collective bargaining in Queensland is concentrated in large enterprises, high wage areas, the public sector and metropolitan areas (Industrial Relations Taskforce 1998a:22-23). A higher reliance on awards is especially typical of small businesses, also likely to be characterised by part time and low wage work and whose workforce is likely to comprise a large proportion of women. Hence, women are more likely than men to be in the awards-only stream in Queensland, a stream now considered to be comparatively low paid. In the rural areas and regional centres, award reliance is prevalent, with up to 50% of workers reliant on Queensland awards and statutory minimum standards alone (Industrial Relations Taskforce 1998a:19). As is the case in other states, the introduction of a bargaining stream has contributed to widening wage dispersal, especially between employees relying only on awards and those covered by enterprise agreements (Carlson *et al* 2003) and between men and women. In Queensland, the gender wage gap had widened to 17% by 2001 (QIRC 2001: 2).

The proposed unitary system could, initially at least, cover only 60% of Queensland employees, with the remaining 40% left in the Queensland system made up of those employed by non-corporate businesses (mostly employers in the rural sector but also some small business) and public sector workers, apart from those employed by State-owned corporations (DIRQ 2005b). The following sections examine what Queensland workers who are shifted into the unitary system can expect.

### **Unfair Dealings: Arbitration, Dismissal and Unfair Contracts**

The Bill's amendments to the termination of employment provisions in the WR Act and the circumscription of the power of the Australian

Industrial Relations Commission (the AIRC) to arbitrate together form the lynch pin of the Howard Government's proposed framework for regulating the labour market. The 'right to fire' employees or terminate the contracts of workers with few if any limitations is the ultimate employer weapon. It allows employers much greater latitude in imposing their will on workers, ranging from directions to perform certain duties, choice of agreement type, changes in working conditions, bargaining in its most general sense or re-structuring of the organisation. How the Bill provides such an environment is discussed below, following a brief consideration of how the Queensland Act regulates and mitigates unfair dealings by employers with individual workers.

Like industrial legislation in the other states, the Queensland Act assists workers at the individual level in several very important ways. Section 5 provides a wide definition of 'employee', deems outworkers in the clothing industry to be employees, and empowers the Queensland Industrial Relations Commission (the QIRC) to determine whether a worker is an employee (s 275) and whether a contract for work is fair (s 276). This is crucial in maintaining benefits and rights for employees who may otherwise be unwillingly 'converted' into sham independent contracting arrangements on lower wages and conditions by unscrupulous employers, on pain of termination with no prospect of a quick and good remedy. These protections are specifically over-ridden by s 7C(1)(d) of the Bill. The present power of the QIRC and the AIRC to arbitrate disputes is a significant way for unions to overcome other kinds of unfair treatment, such as unfair disciplinary action or simply withholding a non-monetary entitlement. However, the Bill removes the power of the AIRC to compulsorily arbitrate, except in cases of actual industrial action (s 176C, s 176I), while the QIRC will retain its arbitral powers only in respect of non-corporate and public sector employers.

The dismissal provisions in Chapter 3 of the Queensland Act presently provide for minimum notice periods, redundancy pay, and an uncomplicated process of conciliation and/or arbitration to resolve unfair dismissal claims. The Queensland provisions amount to a code of rights for employees, in that it provides a right not to be dismissed unfairly. In contrast, the WR Act provides a fair go all round to both parties. In determining a remedy, the AIRC must weigh the situation of the

employer against that of the employee, no matter how heinous the manner of the dismissal (Chapman 1997). The Queensland scheme will be largely overridden by the Bill, which also introduces other changes that will significantly reduce a dismissed Queensland employee's rights.

Under the Queensland Act, employees are not excluded from making a claim purely on the basis of the number of employees in the business. Section 170CE(5E) of the Bill excludes employees employed at workplaces with less than 100 employees from seeking relief for harsh, unjust or unreasonable dismissal, effectively disenfranchising employees in 95% of businesses and about 75% of employees in Queensland (Mangan 2005:41). Every new employee will also be on probation for a six month period rather than the current three month period in both the WR Act and the Queensland Act, during which the employer may dismiss at will (s 170CE(5E)(b)).

There are further exclusions. Employees who are dismissed for 'genuine operational reasons or reasons that include genuine operational reasons', defined in the Bill as economic, structural or technical reasons, will be prohibited from seeking a remedy because it is also harsh, unjust or unreasonable (s 4, s 170CEE). If even one of the reasons for the dismissal is a 'genuine operational reason', the AIRC must find that an application pursuant to the harsh, unjust and unreasonable provisions is invalid. In several cases before the AIRC, dismissed employees have obtained remedies where, although their dismissal was for operational reasons, it was also harsh, unjust or unreasonable, often because of the manner of their selection for redundancy.

Such cases have concerned groups of retrenched workers as well as individual employees. Groups of workers are more likely to be awarded reinstatement than individual employees who are usually awarded compensation (for example, see AIRC 2000a). Examples of the retrenchment of a Queensland group of workers found to be harsh, unjust and unreasonable include the Blair Athol case, which commenced in 1998 and continued in the AIRC and the Federal Court until 2005. In this case, the AIRC concluded that sixteen workers were really selected because of their union activism rather than on the basis of poor performance as alleged by the employer (AIRC 2005b). In the Gordonstone case, also in Queensland, the whole workforce was

retrenched, allegedly for operational reasons, but really because they refused to agree to changes in their union negotiated collective agreement. This case commenced in July 1997 and did not conclude until May 2000. Contested cases are frequently costly and lengthy, more than seven years in the Blair Athol case, so employee success often depends on support by a (wealthy) union which can afford to counter legal manoeuvring by large corporations (Lee 2002). Unrepresented claimants and claimants who must personally pay for representation are likely to withdraw altogether, or to settle at conciliation, often for less than a few thousand dollars (Senate 2005:28).

At a general level, the Prime Minister has sought to justify the exclusions on the basis that the current provisions are too costly for employers. The Government alleges that most unfair dismissal applications are merely speculative, so justice is not offended by cutting back the dismissal jurisdiction, and that the proposed exclusions will greatly increase employment. The allegation that the huge majority of applicants are undeserving of a hearing of their claims is unproven and remains hotly contested. Further, the suggestion of huge job growth has been resoundingly defeated by recent independent research (Senate 2005). Howard's justification for excluding terminations for operational reasons is that it is intended to prevent redundant workers who have already received redundancy pay from 'double dipping.' This is a disingenuous claim, since the AIRC takes redundancy payments into account in determining compensation, as one would also expect the parties to do in reaching a settlement (for example, AIRC 2005a). A more plausible reason for the exclusion is that it will permit employers of more than 100 employees to dismiss workers without fear of AIRC proceedings simply by ensuring that one of the reasons for dismissal was a 'genuine operational reason.' Employers with businesses of that size will not find it difficult to engineer such a situation. Removing the fundamental human right not to be unfairly dismissed offends ordinary standards of justice and fairness, but it also significantly enhances employer power in nearly every aspect of workplace life.



### **Setting the Safety Net: Awards and Statutory Minimum Standards**

As noted above, workers reliant solely on Queensland awards tend to be in workplaces with low union density, in service industries, in small business and in the regions. Women are over-represented within in this group of workers, as are the unskilled, young and indigenous workers. Currently, the Queensland award system offers a great deal of protection to these vulnerable groups compared to the proposed Work Choices system. First, Queensland awards are not limited in content. Further, they must be reviewed every three years by the QIRC, and kept relevant, up to date, appropriate to current community standards of fairness to employees, and suited to efficient performance needs of particular enterprises (s 130). The QIRC commenced the first review of its more than 300 awards in 2000 and the high degree of collaboration among the parties throughout the process has meant that the process has been almost entirely by consent (QIRC 2002:15). The QIRC now also sets a minimum wage for Queensland employees not covered by awards, making its first such decision in 2002.

In contrast, federal awards will be reduced from twenty to only sixteen matters under Howard's plans and face further rationalisation following an inquiry by the new Award Taskforce (Australian Government 2005; the Bill, s 116). Putting the Taskforce's recommendations into effect will be the function of the AIRC, which will be required to act on the recommendations. Further, the setting of minimum wages will be transferred from the AIRC to the new Australian Fair Pay Commission, an administrative body which will make its determinations without the benefit of public submissions and argument from unions and employers (the Bill, Part IA, Schedule 1).

The Bill deems Queensland awards to be notional federal agreements with each constitutional corporation that is party to each award for a transitional period of three years. Any matters in the Queensland award that are prohibited by the Bill will become void and the notional agreement may be administratively varied to remove them by the Employment Advocate. After the three year period, notional agreements will cease to operate. If by then no new agreement is in place, the parties

will be bound to the appropriate federal industry award (the Bill, Part 3, Schedule 15 of Schedule 1). The government has stated that federal awards will stay in place until the parties reach a workplace agreement, which can be either collective or individual in the form of an AWA. The sting in the tail is that once an agreement is reached at a workplace, the award ceases to apply at the workplace forever, even if the agreement is terminated (the Bill, s 103R). As noted below, once an agreement is terminated, only the minimum standards, not the award, will be enforceable at that workplace.

There will be only five statutory minimum standards in the proposed unitary system. The subject matter of those standards will cover minimum wages, four weeks annual leave, two weeks paid personal/carer's/sick leave, unpaid parental leave, and hours of work. Long service leave will continue to be regulated by State legislation, but this will not save award provisions for long service leave that are higher than the statutory minimums. In contrast, the Queensland Act contains ten statutory minimum standards which currently apply to all employees in Queensland who are not covered by the federal system, all of which are far superior to the proposed federal standards.

One Queensland standard expressly over-ridden by the Bill is the Queensland pay equity standard. Pursuant to sections 59 – 66 of the Queensland Act, the Queensland Government established a Pay Equity Inquiry in 2000, chaired by a member of the QIRC, which recommended a statement of principle regarding pay equity. The principle was adopted by the QIRC in 2002, and is now applied to awards when they are being made and reviewed. The first pay equity case was pursued by the Liquor, Hospitality and Miscellaneous Workers Union for dental assistants in 2004-05. The QIRC increased the award rates by 11%, or \$63.60 a week, to be phased in over two years with six monthly payments (*Workplace Express* 2005). The proposed unitary system does not contain any equivalent process for addressing the systemic discrimination in the labour market which inherently undervalues work classed as 'women's work' and as noted above, the Bill specifically overrides the relevant provisions in the Queensland Act.

The interaction of the minimum standards in State legislation and the Bill is extremely complex, and the details are not explored here. However, it

is clear that the new federal standards represent a significant watering down of the content of the current Queensland minimum standards. Queensland employees enjoy substantially superior award and statutory minimum standards compared to those proposed for the Work Choices system, but both will be seriously eroded by the Bill. The Beattie Government recently introduced legislation aimed at maintaining the existing Queensland minimum standards and protecting other standards in Queensland awards and agreements (the *Industrial Relations Amendment Act 2005* (Qld)). However, this Act appears to be caught by s 7C of the Bill, and is likely to have no effect when the amendments become law.

### **Agreement Making and Bargaining**

The Queensland Act provides for the making of individual as well as union and non union collective agreements, all certified by the QIRC and subject to a very strong no disadvantage test (the NDT) that is far superior to the current federal NDT. It requires that a proposed agreement be compared to the wages and conditions currently prevailing at the workplace (s 161, Queensland Act). Under the WR Act, the current NDT is the relevant award, but the Bill abandons this standard and replaces it with the five minimum statutory standards (Australian Government 2005). The AIRC's current role in certification is also abandoned. The NDT will be administered by the Office of the Employment Advocate (the OEA) in the course of its new responsibility for filing all agreements. Given the OEA's inability or unwillingness to correctly apply the current NDT in respect of AWAs (Mitchell R *et al* 2005), it appears unlikely that it will offer much protection to workers from unscrupulous employers in its new role.

Under the *WorkChoices* framework, both collective agreements and AWAs will be subject to new limitations on their content. These limitations are not presently specified, and will be contained in regulations yet to be made (s101D). However, the prohibited content is certain to include bargaining fees, disputes procedures that involve unions, unfair dismissal provisions and any clause that could possibly give support to unions. Queensland agreements made with constitutional

corporations will be deemed to be (federal) preserved state agreements. They will remain in force until they are terminated or replaced by a new workplace agreement. However, any prohibited content will be automatically invalid, and can be removed by the Employment Advocate (the Bill, Part 2, Schedule 15 of Schedule 1). Unquestionably, this amounts to an automatic reduction of the terms in current Queensland agreements.

The Queensland bargaining process is supported by a sophisticated 'bargaining in good faith' regime (Queensland Act, s 146 ff). In contrast, there is no express requirement that employers must bargain fairly in the WR Act, but it contains plenty of sanctions against union action (Lee 2005a). The Bill introduces even further restrictions on union pressure tactics and substantial increases in the range and level of sanctions and fines against unions and employees taking unprotected industrial action. The new requirement that secret ballots must take place before protected action can be taken is bound to prove expensive and time consuming for unions and employees (Australian Government 2005). Perhaps most significant of all, the Bill provides that an existing agreement can be unilaterally terminated by either party after its nominal expiry date simply by giving 90 days notice. That notice period may commence 90 days before the expiry date, during which time industrial action cannot be protected (s 103L). As soon as it is terminated, the terms of the agreement cannot be enforced and henceforth employees are entitled only to the five minimum standards. Unilateral termination of an agreement is thus an extremely powerful bargaining tool for employers. It is likely to be enormously 'persuasive' of employees to accept the employer's proposed agreement rather than be reduced to the bare minimum standards, and will increase the number of AWAs and informal individual arrangements.

The current prohibitions on duress in respect of AWAs and coercion in respect of certified agreements are retained in a modified form in the Bill (sections 104, 104A, 104B). The government has made much of these prohibitions as offering real defences against unfair employer tactics. It is true that the present coercion and duress provisions have been very useful for employers. However, for unions and employees who suffer at the hands of unscrupulous employers, both duress and coercion have

been difficult and costly to prove and the remedies available from the Federal Court only rarely efficacious (Lee 2005b).

In summary, workers in the State systems whose awards and agreements are deemed to be transitional federal instruments will automatically lose entitlements. They will need to bargain to improve wages and conditions, but once they enter a collective agreement or an AWA the award will never again apply at that workplace. It will be more difficult to take protected action, and fines and sanctions will be more onerous. They will find themselves in an invidious position if the employer offers low wage increases, or demands big trade-offs of conditions and couples this with termination of the current agreement. There is extensive evidence that, even under the present WR Act, AWAs deliver lower hourly wage outcomes than union collective agreements, and further, that the lower the wage outcome, the more likely is there to be a trade off of conditions (Carlson *et al* 2003). All workers, but especially the most vulnerable, will be at risk of being forced to enter sub-standard collective agreements or AWAs, both to obtain a job in the first place, and as replacements for existing collective instruments.

### **Enforcement of Award and Agreement Entitlements**

The present rights and entitlements of workers under the Queensland industrial system are clearly far more extensive than those offered by Howard's proposed unitary system. But not only are they superior, they are more effectively enforced by the Queensland Department of Industrial Relations (DIRQ) than are federal entitlements by the main federal enforcement agency, the Office of Workplace Services (the OWS). This is also true in respect of enforcement by the New South Wales government agencies. In 2004 -2005, DIRQ finalised more than 8500 wage complaints, carried out 250 court actions and recovered almost ten million dollars in unpaid entitlements under Queensland awards, agreements and legislation from employers (DIRQ 2005b). In contrast, the policy and practice of the OWS is to settle claims, but it does not record whether the settlements reflect the actual amounts owed or some lesser amount the underpaid worker decides to accept rather than bear the expense of court recovery proceedings. Indeed, the OWS

engages in court recovery actions and prosecution of offending employers in only rare circumstances (Lee 2005(a)).

Goodwin (2004) has demonstrated that there is a long history of inadequate enforcement practices and policies by federal government agencies, characterising this history as 'the great wage robbery.' The two newer federal agencies, the OEA and the former Building Industry Taskforce, both have a history of largely ignoring employer law breaking and pursuing unions almost exclusively, usually on allegations of unlawful coercion and freedom of association breaches (Lee 2005a). There are plans for the OWS to take over the OEA's enforcement responsibilities, but its industrial and enforcement functions will have to expand to service more than double the number of employees, and many more awards and agreements. A considerable increase in funding and a complete overhaul of enforcement policy will be required if there is to be any hope of effective OWS enforcement of awards and agreements against employers. Given the recent history of the OWS, it is hard to avoid a conclusion that effective enforcement will decline, and responsibility will inevitably shift to unions and those who are least able to afford the cost of enforcing their rights: the underpaid workers themselves.

## **Conclusion**

Queensland employees presently working under the Queensland Act who are shifted to the proposed unitary system will suffer an immediate loss of statutory minimum entitlements, the suddenly prohibited content of current State awards and agreements and the loss of unfair dismissal protections. The same will be true of employees shifted from other State legislation. State awards that become federal awards will face further rationalisation and will 'disappear' once a new agreement is made at a workplace. This will result in the fairly rapid demise of the federal award system. Cloaked by the rhetoric of choice, this demise is orchestrated by a government with no apparent interest in equity or fairness but an obvious obsession with the destruction of the award system.

Workers transferred to the new federal system will face a much more difficult bargaining regime. This will inevitably result in even wider disparities in wages and conditions, the gender wage gap will grow and recovery of unpaid entitlements will fall more heavily on workers. The workers likely to fare worst are those who are award reliant, in low union density workplaces, employed in small business in regional areas and who are not union members. These workers are most likely to be casual, female, young and indigenous workers. Employees working in industries enjoying strong economic conditions or who work in well organised, high union density workplaces may be able to maintain or even improve their conditions of work in the short term. However, the most vulnerable of workers will inevitably lose a large portion of their current rights, entitlements and protections. In trying to bargain for improvements or even just to retain award and statutory rights that are presently guaranteed by the Queensland Act, they will find that employers have been dealt all the winning cards.

The Explanatory Memorandum to the Bill shows that the government has budgeted to spend \$44.3 million on its advertising campaign. After many weeks of an advertising blitz and amid rumours that this figure has already blown out, opinion polls continue to show that a large majority of the population remains unconvinced. With the estimated costs of the 'proposed workplace relations reforms' for the period 2005-2009 expected to be \$489.6 million, it seems reasonable to speculate that health care and education might have been more deserving of such a large injection of funds than the coffers of constitutional corporations.

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