Australian Fair Pay and Conditions Standard Safety Net or Witches Brew?

Les Whiteley
Monash University

ABSTRACT

The proponents of the WorkChoices legislation claim that it serves two objectives - to simplify industrial relations in Australia and make Australia more economically competitive. Critics allege that its underlying motivations are more sinister. This article questions its potential impact on the more vulnerable parts of the working community - especially by the Work Choices "safety net" of the Australian Fair Pay and Conditions Standard (AFPCS) which sets the minimum wages and non-wage benefits for awards, enterprise bargains, and workplace agreements.

It finds an inherent problem in the AFPCS structure in setting a minimum to apply for the majority of workers, and setting a minimum to protect the most disadvantaged and vulnerable in the community.

KEY WORDS

Industrial Relations, WorkChoices, vulnerable employees, AFPCS

1. Introduction

It could be said of "Work Choices" that it is a witches' brew of admirable principles and pernicious specifics.

The objective of simplifying Australian industrial relations legislation seems admirable. But the actual legislation is - for some - of greater complexity than the predecessor system. The objective of allowing local resolution of industrial disputes is admirable. However the reduced authority, independence and relevance of the Australian Industrial Relations Commission (AIRC) may do little more than leave the arena clear for bitter disputation - with reduced opportunity for effective conciliation. The objective of making Australia more economically competitive seems indisputable. But neither the economic inefficiencies of the previous system nor any balanced assessment of how the changes will provide enhanced competitiveness has been published - nor how the benefits of enhanced economic effectiveness would be shared throughout the community.

Many writers in Employment Law assert that there is a distortion in the bargaining power of employer and employee - and that the distortion is a major requirement for industrial relations (IR) legislation to seek to balance. One aspect of doing that is to protect the more vulnerable parts of the working community from exploitative working conditions - through mechanisms such as awards, enterprise bargains and "work place agreements". But each of those is a separate negotiated arrangement - a part, compartmentalised away from the whole. The provision of some legislative "safety net" or "minimum standard" that sits under all such mechanisms can more effectively protect the most vulnerable while being irrelevant to those not so placed.

The new "WorkChoices" amendments seek to provide this "safety net" through the Australian Fair Pay and Conditions Standard (AFPCS). This standard sets the minimum elements for awards, enterprise bargains, and workplace agreements. The elements
involved can be seen in two parts. First - wages. Minimum wages are determined through the newly formed Australian Fair Pay Commission (AFPC) but after determination are included within the AFPCS. Second - non-wage benefits. Minimum non-wage benefits are included explicitly in the AFPCS. Currently the AFPCS has a list of four key non-wage conditions:

- working hours
- annual leave
- sick leave (and personal/carers leave)
- parental leave

In principle then the AFPCS puts a "safety net" or "minimum standard" in place - under all awards, bargains and agreements. It includes matters that seem to be suitable for the purpose of protecting vulnerable workers from exploitation - even if those matters form a rather short list of elements.

However the role of protecting ALL Australian employees from exploitation is, from the outset, compromised by the limited applicability of WorkChoices - or any Federal legislation to regulate employment matters. Despite the width of coverage, employees of unincorporated entities (partnerships and sole traders) together with various other exceptions mean that there will be a sub-strate of workers excluded from the WorkChoices amendments safety net - and hence potentially further marginalised than their limited employability skills might potential involve.

Secondarily, some of the protections provided are somewhat chimerical, and replace earlier mechanisms that may have been at least acceptably effective.

One set of accusations made against the WorkChoices amendments is that they are motivated - not by a desire to improve the lot of the Australian workforce but - by a desire to destroy the union movement and un-do the hard-won privileges of decent hardworking Australians. Further, that they enshrine in statute mechanisms to ensure that labour relations are skewed toward supporting the profits of business for the interests of capital over the sharing of productive output between both labour and capital.

If such accusations have any validity, they require that elements of WorkChoices - including AFPCS - are scrutinised for their potential to be selectively applied in the future to serve political principles that are fundamentally at odds with the "level playing field" objective of Employment Law - a fundamental previously identified as a common, if not consensus, view in the discipline.

The accusation then becomes the use of admirable principles to EITHER camouflage an attack on popular standards of fair play via pernicious specifics duplicitously applied, OR to replace established and effective mechanisms with new but ineffective mechanisms claimed to achieve similar outcomes.

A witches' brew indeed!!

2. AFPCS versus AIRC, "NDT" and Awards.

In the recent past, there was no AFPCS - but the role of protecting Australian workers from exploitation fell to the AIRC. The role of AIRC under Work Choices is diminished and its protective role is largely taken by the AFPCS. However the AIRC should not be seen as enjoying a long historical mandate and uninterrupted perfect success in that protective role,
and indeed the validity of requiring it to perform such a protective role is questionable.

In comparing the AIRC and AFPCS it is important to differentiate between two quite different issues. There is a potential role to seek to maximise worker benefits or to ensure that the mass of workers enjoy a suitable share of the results of their labour - a focus that falls on the majority. It is a quite different role to protect the most vulnerable from exploitation - to shift the focus to the minority. The separation of these two issues is an important step in assessing the role of AFPCS. It is mainly in the latter "safety net" context that we are concerned here - the role that AFPCS addresses by setting a restricted set of minimum standards that are applicable to all, but only relevant to few.

The immediately previous structure of the AIRC has evolved from the original constitutional limitations on the power of the Commonwealth as

"Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of one State." s.51 (xxxv)

Although a detailed discussion of the history of AIRC is beyond the scope of this paper, it is important to see the role of the AIRC in autumn 2006 (when WorkChoices came into effect) as having evolved over a tortuous process. Such disparate influences as the original intentions of the Constitution, the Hawke government "Accord", and earlier legislative action by the current Howard government, have all had an influence on the policies and procedures of the AIRC. Given the role of "paper disputes" and other mechanisms to permit matters to be brought to AIRC, it is reasonable to see its previous role as cumbersome. However, if one sees the history of AIRC as concentrated on a "settling disputes" role, and one extends that view to describe the AIRC as the protector of all workers rights, then any erosion to its sanctified singularity will be a necessarily exploitative outcome for Employment Law.

The most recent mechanism to avoid exploitation was the "No Disadvantage Test" (NDT) administered via AIRC. Apart from any general concern about erosion of the role of AIRC, it is the discontinuance of this test and its replacement by AFPCS that most sharply defines the differences between the projected WorkChoices regime and its predecessor legislative structure to set a safety net for worker entitlement.

The NDT was first floated by a Labor government in 1992 as an integral part of reforms that opened the possibility for localised exceptions to awards. If such exceptions were to be countenanced, some mechanism to protect an acceptable relativity back to the awards was essential - otherwise those localised exceptions would render the awards redundant. In its original form, the NDT required that the localised exception was not to disadvantage either employees or the public interest. Later it was re-expressed to require no disadvantage when the agreement in question was compared in total to the relevant award.

The simple principle of avoiding disadvantage can be misleading however when used to assess the NDT. At the outset, the NDT was a mechanism to facilitate localised arrangements while protecting the primacy of Awards. The process of reducing the primacy of awards to a lesser stature was embraced with the Coalition government passing Workplace Relations and Other Legislation Act 1999 to further facilitate "enterprise bargaining". In that round of amendments, the role of the NDT was varied to avoid disadvantage overall but leaving the way open for unlimited variation from the Award in question. The WorkChoices amendments complete the evolution by amputating the point of comparison from the Award, and putting the definition of standards in a totally separate vehicle. Progressively then the NDT has been introduced, refined and finally abandoned - as the current circumstances required - to satisfy a movement from a totally award based
system of defining and protecting worker rights to one in which the new primacy is quite firmly with localised arrangements and the role of awards is in demise.

The NDT - as such - passes out of existence with the Work Choice reforms. It is a victim of a wider issue - the progressive movement from Awards to localised agreements. In a world where awards are to become an anachronistic minority in the IR firmament, there is no suitable place for a mechanism to protect minimum standards by reference back to them. The new standards need to stand alone.

However before one regrets the passing of the NDT it is well to remember that - not only has its demise been long-evident and prompted by a bigger agenda - but it has been judged by some to have failed in ensuring equitable variations to award conditions.

The reason for such a jaundiced assessment is that the NDT included a codicil that the assessment of disadvantage was to include variations 'for agreed reductions if these are judged not to be against the public interest, for example, as part of a strategy for dealing with a short-term business crisis and revival'. In other words the old NDT was quite liable to be put aside - and the interests of the sub-group of workers ignored - if EITHER the remainder of the community were to be disadvantaged, or the employer organization badly impacted at a crucial time.

In summary the demise of NDT is only marginally relevant to assessing the likely efficacy of AFPCS to serve its apparent and implied objectives. Further, the NDT was a compromised principle in that its legislative expression allowed the economic welfare of the majority to overrule its application in serving a minority.

3. Wage Fixing

The AFPCS inherits its minimum wages from the AFPC. That is, the minimum wages included in the AFPCS are those currently in force according to the determinations of the AFPC. However there is an additional guideline. Rates are not to fall below the current minimum wage. Originally this was A$484.50 per week or A$12.75 per hour. It was adjusted on 26th October 2006 (to take effect 1st December 2006) to $511.86 or A$13.47 per hour and further adjusted in July 2007 to A$522.12 or A$13.74 per hour (to take effect in October 2007).

Although this paper is primarily concerned with AFPCS not the AFPC, given that the minimum wages embedded in AFPCS are set by AFPC and the importance of wages among the issues that determine minimum rights and benefits, the question of setting minimum wages is included here.

As an effective safety net, the proposed mechanism for setting wages via AFPC is liable to question on four bases.

First, the minimum rate currently in force may well be a suitable figure to use at this time for that below which no employee’s rate of pay should now fall, but it is likely that over time that that rate will become inappropriately outdated. If one assumes that some level of inflation will be the overwhelmingly pre-eminent economic movement compared to deflation, any monetary standard that is fixed in time must eventually become inappropriately low.

Second, the guidance given to the AFPC includes a requirement to consider the economic impact of its determinations. While that might be a suitable component to include in the process of fixing the wage rates for the majority, it is of limited relevance (and potentially
destructive effect) if applied to the minority of those least well served by mass policies. The assertion that it is not economically feasible to increase wage rates by 10% may be irrelevant to the lowest paid 0.5% of all who are struggling to survive below the "bread line".

Third, as the working population moves away from universally determined minima, so arises the possibility of the minima becoming an inappropriate threshold to exclude exploitation. Although it is far from certain, the intention of an increasing use of Australian WorkPlace Agreements (AWAs) could be realised. If so the wage determinations of the mass of the working population will move away from AFPC determination. But that mechanism would remain as that by which the minima is determined - still for a few dependent on it, but now a few that are dis-associated from the mass.

Fourthly, the AFPCS has no option provided for it to set its own wages minima, nor any discretion to step outside the minima provided by the mechanism that has just been shown as of questionable suitability. It seems curious that the interests of social welfare and equity are so discarded that the AFPCS has no option but to be bound by an extraneous determination.

Apart from these four criticism, it is worth noting that the "minimum wage" used by the AFPCS is NOT just the current minimum wage, but extends to using wages and scales from Federal Minimum Wage, the Special Federal Minimum Wage, and the Australian Pay and Classification Scale. This multi faceted applicability underlines the incompatibility of trying to rely on just one measure to achieve two objectives. The more the AFPC determined minima are a complex of possibilities and scales, the less it can ideally address the simple purpose of protecting the most vulnerable few.

The wage determinations of AFPC are suggested to be a mechanism to reduce either or both unemployment or under-employment. However there is respected opinion that the use of minimum wage levels to reduce unemployment is inutile. If the claims for the mechanism were valid, the wage fixing process would be provided with a justification for reducing (or containing growth in) wages. But that makes it a mechanism that is arguably good for the economy but not for the most disadvantaged few. On the other hand, if it is not, then the inclusion of economic considerations aspects in the workings of AFPC - that are presumed to increase the work-force participation rate - should be discarded as their result will see only the interests of capital are served.

One of the problems in assessing the Work Choices amendments - including the AFPCS and its reliance on AFPC wage determinations - is to do so against its true purpose. There is conflict between the claimed principles and promised resultant benefits of the amendments and the counter accusations that they are covertly designed to serve a more mischievous set of purposes - especially to compromise the role of the trade union movement in protecting the welfare of lowly paid workers. In the end neither the guiding principles nor any expected outcome can be stated with certainty. In the view of the writer, there is little credibility in the claim that the wages element of AFPCS will provide a more effective safety net for the vulnerable and exploited in the community.

4. Non-Wage Issues

There are four areas of non-wages conditions protected by the AFPCS.

- **working hours**: Part VA, Div 3, s. 91 etc
- **annual leave**: Part VA, Div 4, s. 92 etc
- **sick leave (and personal/carer's leave)**: Part VA, Div 5, s. 93 etc
Working hours are nominally set at 38 hours per week. However the riders and exclusions are such that it could be said that the 38 hour maximum is only marginally relevant.

First, in addition to the basic 38 hours, "reasonable" additional hours can be REQUIRED or requested. Second, the 38 hours is to be averaged over the applicable period. Third, the role of penalty rates for "overtime" work is in some doubt making the original 38 hours in the base no different to the extra hours worked.

There are some expressed constraints on the facility with which employees can be required or requested to work hours additional to the 38 hour maximum. However the act only lists factors that could be used to determine "reasonableness". It is then "soft" legislation as it merely indicates issues that could be cited as relevant in subsequent argument before a court or tribunal - and when negotiations are evenly poised between the power-balanced parties. As a "safety net" mechanism to protect the vulnerable it seems almost ineffective.

Averaging of the 38 hours can also lead to distortion. If a worker's hours varied from 68-hours in one week to 8 in the next - as retail trading conditions or tourist peaks could well contrive to happen - the average of 38 hours across the two weeks would be very uncomfortable for any employee seeking to manage either family obligations or a non-work life. However the period involved in the averaging can be as long as 12 months. Two consequences arise from such an elongated averaging period. The first is that wild fluctuations in required working hours can occur - with no stability of income for the worker nor any hope of honouring regular commitments in non-work areas. The second is the opportunity for exploitative employers to require that employees work in excess of 38 hours - but to promise that corrective shorter hours will be made up at some indefinite time - which threatens an unenforceably intricate network of data, and claimants. It seems axiomatic that any employer who wanted to breach the 38 hour maximum would expect no real threat to the successful achievement of such a plan.

There is no necessity for agreements to include penalty rates. They may, or may not, depending on the negotiations involved - and those negotiations may well be one-on-one discussions between a potential employee and his employer when the possibility of employment is under discussion. In such circumstances the negotiating leverage of the employee would often be quite limited. What follows then is that the employee can be requested or required to work hours extra to 38 - without any penalty loading - except if he has the leverage to force an employer to such an arrangement.

The weight of responsibility for self-protection will fall lightly on the powerful and uniquely skilled employee - but crushingly on vulnerable employees working for exploitative employers. In turn that makes the underlying statutory mechanism an ineffective safety net.

Annual leave issues will be covered briefly. Section 92D(2) (original numbering) - provides for 4 weeks annual leave - accrued at the rate of 1/13 of nominal hours worked in each four week period. Employees can cash out their leave entitlements in some degree - but cannot be forced to do so, nor forced to take leave until 8 weeks have been accumulated.

Personal/carers leave (Section 92E - original numbering) merges together sick leave with absences claimed by an employee in respect of their obligations to young, old or disabled family members. Compassionate leave (Section 92E - original numbering) allows 2 days of paid leave.
Parental leave (section 94A - original numbering) allows for 12 months unpaid leave at the birth or adoption of a baby. There are various alternative options and protective conditions to ensure reasonable access to their previous employment position by parents exercising that benefit.

The leave requirements seem benign and not deserving of substantial comment. They have been criticised for the lack of flexibility but that seems to miss the point that the strategic emphasis is on parties striking their own arrangements, and the minima are only a safety net that cannot be breached in those arrangements, and to which all workers are entitled.

Lastly, it should be mentioned that applicability of the AFPCS itself is limited. Some employees fall outside the standard because of the limitations put on the Federal government's law making capacity by the constitution. But even within its legislative ambit, exceptions still occur. Especially significant is that employees covered by pre-WorkChoices agreements are exempt from the standard. That means that for some years, the perception of what the working community would consider as *de rigeur* for any employment arrangement will be an amalgam of arrangements that respect the AFDPCS and those allowed to ignore it. Hence the sense of establishing a culture of fairness in the conscience of the nation by putting in place a floor of minima can not be served.

5. The Role of Minimum Wages on Unemployment and Poverty

It has often been asserted that minimum wage increases cause unemployment. But since 1914, empirical evidence has disputed that. It is beyond the scope of this paper to explore this subject adequately, but since the association was first disputed, later studies have refined the correction by showing either no substantial association or a trivial one.

The distinction between minimum wages and poverty conditions deserves some comment. In particular the argument can be put that minimum wage levels have little impact on poverty levels - it being a significantly more complex association. Household incomes are a different but more relevant measure of poverty - and they are formed from a combination of both welfare payments and wages earned - and judged from issues such as family size. These are all issues that AFPCS ignores.

In summary it seems there is little to praise in the AFPCS as a mechanism to address the fundamental sociological issues that arise from the exploitation of a vulnerable class of workers. Since the AFPCS either fails to explicitly address poverty and household income issues or does so in somewhat superficial manner, it could be asserted that its concerns fail to seriously engage with such issues. The problem becomes then to establish a meaningful set of objectives for the AFPCS - clearly separate from the rest of the WorkChoices amendments - that it does actually address. Its limited horizon and its reliance on AFPC derived wage levels - that are in turn sensitive to "economic issues" - with the uncertainty of its maximum working hours delineation seem to create a most insecure safety net.

7. Conclusion

The problem with the AFPCS is not the broad principle of having some sort of "safety net". Nor is the problem that the AFPCS replaces a "no disadvantage test" based on Awards.

The problems are instead more subtle.

There is an inherent problem in the existing WorkChoices structure for establishing minimum
work-place pay and conditions. There is a fundamental difference in setting a minimum to apply for the majority of workers, and setting a minimum to protect the most disadvantaged and vulnerable in the community. The Work Choices amendments ignore that distinction.

When broadly derived minima, based on equally broad issues, are applied to a disadvantaged and vulnerable sub-group within the community, they can easily fail to bring insight and focussed sensitivity to bear. The AFPCS has no alternative but to be bound by the FMW (and similar vehicles) that are designed to cover large swathes of employees.

The AFPCS is burdened by serving two conflicting strategic objectives. It is called to both ameliorate the possible outcomes of all agreements entered into by preventing any single one from contravening specific minima, and - simultaneously - to protect a numerical small group of vulnerable and disadvantaged persons in the community who are likely to be the target of opportunistic exploitation - people whose situation tends to make them unlikely to enjoy realistically negotiated agreements. It is a facile view to assert that the same mechanism can do both.

This writer's opinion is that the failure to recognise this is the worst aspect of the structure of the AFPCS parts of the Work Choices amendments - if AFPCS is to serve a sociological role and to enshrine in legislation a minimum set of benefits that can potentially be absorbed into the moral fabric of the community

At risk is the de facto use of the AFPCS as the "normal" conditions for the vast majority of workers. In application, no agreement need exceed the standard unless the parties have the negotiating will to do so. In an environment when collective bargaining is being discouraged, the negotiating will of many employees trying to strike solus agreements will be to concede whatever is necessary to get or keep the job. In such a scenario, a flawed safety net structure would become a universally disadvantaging one.

This discussion again raises the question of the objectives of the AFPCS. If we claim that it should address poverty then we might conclude that it is likely to be of trivial value. But should such an objective be set for it? The view here is that at least some amelioration of Australia's poverty problem should be within its purview.

In similar vein, the suggestion that AFPCS needs to solve Australia's unemployment problem - and the parallel problem of under-employment - is likewise evidently unfair. But the requirement for it to contribute to the amelioration of that problem is probably quite fair.

However there is neither clear evidence to support a conclusion on the exact purpose of AFPCS nor room for confidence that its apparent and suggested objectives will be suitable served. Elsewhere we have repeatedly returned to the concept of protecting the vulnerable from their exploiters. On that measure we see little room for optimism that the Standard will excel.

What we are left with are confused over-riding principles, accusations of covert and un-principled reactionary policies, un-specified objectives and no evidence of likely success against presumed goals.

A witches' brew indeed.
End Notes

See Creighton, Breen and Stewart, Andrew "Labour Law" Federation Press, NSW Australia, 2006. They quote “the famous words” of Kahn-Freund

*The main object of labour law (is) to be a countervailing force to counteract the inequality of bargaining power which is inherent in the employment relationship*

They also reference Davies and Freedland, Collins, and Davidov ("more sophisticated version") in this regard. Cross references to Davies and Freeland etc are not included in the bibliography of this paper - the citations are included to indicate that the position is widely supported.

This legislative structure can be referenced as Part VA of WorkPlace Relations Act 1996 (Cth) S 89 to S 94 (early 2006 numbering) as amended by the Work Choice amendments of 2005.

Catanzariti, Joe "WorkChoices: A user friendly guide" Thomson, Pyrmont NSW Australia, 2006
Catanzariti provides a summarised, reasonably balanced overview. Although no replacement for the entire Act, it is of approachable dimension, and not stridently polemic in tone.

Among other possible references, see Wooden, Mark "Australia's Industrial Relations Reform Agenda" Conference paper 34th Conference of Economists, 26-28 September, University of Melbourne

*The union movement and a good number of industrial relations academics see the reform agenda as blatantly partisan in favour of employers, undermining people’s rights at work, and promoting the proliferation of low-paid, sub-standard form of employment (e.g Briggs and Buchanan 2005, Lansbury et al 2005, Peetz 2005)*

NB Cross references to Briggs and Buchanan etc are not included in the bibliography of this paper - the citations are included to indicate that position is widely supported

See also

Chin, David "The Encroaching Federal Industrial Relations System" Australian Review of Public Affairs, 19 September 2005

"It is impossible to discern any semblance of impartiality in the Howard government's legislative record in workplace relations. Its record amply demonstrates a persistent attempt to reduce the power of trade unions"


"Our argument is that the AFPCS is the latest reduction in a steady decline over the last thirteen years of regulation formerly designed to protect workers and conditions from falling"

The legislation is quite obscure on purpose
Part VA - S 89 (1) "The purpose of this Part is to set out key minimum entitlements of employment"

Australian Constitution Act, Part v, Section 51, Sub-placita xxxv.

The detail of how the evolution of AIRC from its constitutional genesis is beyond the scope of this paper, and no one reference will adequately cover the subject. However Creighton Stewart 2005, Chaps 2, 4 and 6 would represent a good start point.


"Over the course of its 100 years, the federal tribunal has met and withstood many challenges. It has adapted its functions and processes, or been forced to do so, in response to many changes in the tide of government policy or labour relations practices.(...)"

The NDT was introduced in Industrial Relations Amendment Act 1992 (Cth) and Industrial Relations Reform Act 1993 (Cth) as part of the introduction of Enterprise Flexibility Agreements ('EFAs') as S 113. Later terminology refers to them as Enterprise Agreements or AWAs - but the concept of localized negotiation of variation on more widely applied employment conditions (ie awards) is a constant.

Reith Peter, Speech to American Chamber of Commerce, May 1997

The global (NDT) test means that any award (...) can be varied. There is no single condition that is not open to variation (...) to tailor it to the needs of the enterprise subject to the statutory minima"

There is reason to believe that such a change will reduce wage rates, but such an across the board impact is not relevant to the question of establishing an effective "safety net" for the most disadvantaged few. See Peetz, David "The Impact on Workers of Australian Workplace Agreements and the Abolition of the 'No Disadvantage' Test" Sydney University, Report Card on Industrial Relations, 2005


"...the NDT falls short of achieving the socially desirable outcomes that were expected from its operation as a protective mechanism for employees. Particularly, if Australian industrial relations moves even further in the direction of eroding the 'safety net', limiting the commission's responsibilities and fostering de-unionisation, it is expected that the NDT will become increasingly weaker and ineffective, affording little or no protection to workers.

See WRA1996 Subdivision B, S 7J - "AFPC Wage Setting Parameters"

Cowling S and Mitchell W, "Taking the Low Road - minimum wage determination under 'Work Choices"“ Centre for Full Employment, University of Newcastle, November 2005

"... there is scant evidence to support (work Choice) central tenet that cuts to (...) real minimum wages is required to generate jobs and create a more equal distribution of of household income"
See WRA 1996 Div 3 Subdivision B Para S91C(5) lists 7 factors under this

(...) in determining whether additional hours that an employee is required or requested by an
employer to work are reasonable additional hours, all relevant factors must be taken into
account. These factors may include, but are not limited to...

Pocock, Barbara "The Impact of Workplace Relations Amendment (Work Choices) Bill 2005
on Australian Working Families" Industrial Relations Victoria, November 2005

Pocock op cit

Brosnan, Peter "Can Australia Afford Low Pay" Unpublished paper University of Sydney.
Included in "BTX5070/9070 Labour Relations Law - Unit Outline and Course Notes" Monash
University, Semester 1 2006

Brosnan refers to various writers - C Smith in 1914 through Chapple in 1997.

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University of Melbourne Undated

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AUTHOR BIOGRAPHY

Les Whiteley holds both a Master of Practising Accounting and Master of Business Law degrees from Monash as well as Bachelor of Arts from Melbourne University. This article was prepared during his studies in Employment Law as part of his MBL. After his postgraduate studies, Les was first appointed to the academic staff at Monash but is now a staff member at ACU Patrick Campus where he teaches in Company Law and Commercial Law. His research interests are mainly in Corporate Governance.