

Monday 9 August 2010

ACTU Factsheet

Western Australia –the place the Liberals experiment in IR

Before there was WorkChoices, the Liberals gave the system a dry run in WA. In 1990's the Court Liberal Government, in which Premier Colin Barnett was a Minister, introduced a state version of WorkChoices. There were three waves of industrial relations changes that saw individual contracts introduced and minimum standards cut for many Western Australian workers.

Many of the same changes were included in WorkChoices. In fact, John Howard was on record saying that WA was the model for the national Liberal IR agenda. He said "I would like to see throughout Australia an industrial relations system that is largely similar to what the Coalition Government has implemented in Western Australia".ⁱ

Research conducted by the University of Sydneyⁱⁱ into the effects of the Court Government's individual contracts in WA found that:

- 74 per cent of agreements provided no weekend penalty rates;
- 67 per cent of agreements provided no overtime rates of pay;
- 56 per cent of agreements provided an ordinary rate of pay below the award rate;
- 49 per cent of full-time, part-time and fixed term agreements got rid of annual leave by absorbing it into the ordinary hourly rate of pay – effectively casualising full time and permanent employees; and
- 75 per cent of the agreements analysed made no provision for a pay increase.

In 2001 a State Labor Government in 2001 abolished these laws. In a speech to the Parliament in October 2007, the Liberal Premier Colin Barnett said that Labor was foolish to have done this and that he agreed with the "philosophy of WorkChoices".ⁱⁱⁱ

Who is Steven Amendola?

Steven Amendola is Melbourne based Partner with the large law firm Blake Dawson. Along with other top-tier employer firms Blake Dawson helped the Howard Government write the WorkChoices laws.

His profile on the firm's website lists about his involvement in the 1998 Waterfront dispute, and boasts about his experience prosecuting workers and unions^{iv}. He was Peter Reith's personal lawyer during that dispute. ^v

He has a long history of involvement in implementing the Liberal Party IR Agenda, including WorkChoices and the ABCC and has been described in the press as a "Coalition Government IR advocate".^{vi} He regularly appeared for Liberal IR ministers, including Tony Abbott, as lawyer intervening in cases before the Industrial Relations Commission.

When Tony Abbott was IR minister, he was the DEEWR lawyer before the Cole Royal Commission into the building industry.^{vii} He has subsequently made speeches to the right wing think-tank the IPA praising the ABCC, the last vestige of WorkChoices.^{viii}

At the same time as he was working for Peter Reith and Tony Abbott as Ministers, he was the lawyer for the meat industry employer G&K O'Connor during a dispute where union members were locked out for 9 months and endured pay cuts of up to 60%.

A secret minute from the Government's own Employment Advocate released under FOI "stressed the sensitivities of this case, considering that Mr Steve Amendola is also the legal representative of the minister."^{ix}

In 2008 he attacked the Fair Work Act which replaced WorkChoices calling it a re-regulation of the labour market.^x

Just this year, he attacked Julia Gillard's policy (the "Fair Work Principles") that ensured contractors to the Federal Government respected rights at work and implemented the Fair Work Act.^{xi}

When he appointed him, then WA IR Minister Troy Buswell specifically cited Amendola's role in the waterfront dispute, the Cole Royal Commission and other aspects of Howard era IR policy as qualifications for the job.^{xii} The cost of the review blew out by more than 60 per cent to more than \$850,000, after Buswell failed to put a contract in place with Amendola.^{xiii}

Media Contacts

Ged Kearney, Australian Council of Trade Unions President

Simone McGurk, Unions WA Secretary

via Mark Phillips ph 0422 009 011 mphillips@actu.org.au

Stephen Kaless ph 08 6313 6010 M 0417 923 029 skaless@unionswa.com.au

ⁱ Just Sign Here, The AGE, July 30 2005. <http://www.theage.com.au/news/national/just-sign-here/2005/07/29/1122144016659.html>

ⁱⁱ <http://www.wrc.org.au/previousresearch.php>

ⁱⁱⁱ WA Parliament Hansard, Wednesday, 24 October 2007.

^{iv} http://www.blakedawson.com/Templates/Profiles/x_profile_content_page.aspx?id=9145

^v http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansards/2001-05-23/0096/hansard_frag.pdf;fileType=application%2Fpdf

^{vi} <http://www.businessspectator.com.au/bs.nsf/Article/Abbott-defends-Work-Choices-backflip-7QHAC?opendocument&src=rss>

^{vii} http://www.aph.gov.au/senate/committee/legcon_ctte/estimates/bud_0203/ag/ag001_069.pdf

^{viii} <http://www.ipa.org.au/people/steven-amendola>

^{ix} http://sgp1.paddington.ninemsn.com.au/sunday/cover_stories/transcript_785.asp

^x <http://www.theaustralian.com.au/politics/jobs-on-the-line/story-e6frgczf-1111118237641>

^{xi} Unions push tougher line (Australian Financial Review, 15 April 2010)

^{xii} <http://www.mediastatements.wa.gov.au/Pages/WACabinetMinistersSearch.aspx?ItemId=131974&search=amendola&admin=Barnett&minister=Buswell&portfolio=®ion=>

^{xiii} WA Parliament Hansard, 3 June 2010