



## Dissenting report – Mr Ramsey, Mrs Andrews and Mr Tudge

The Coalition members of the House of Representatives Education and Employment support the committee's decision to recommend the House defer consideration of this bill until after the Government responds to any recommendations the review of Fair Work Australia may make to the Government are responded to.

However in doing so the Coalition members do not necessarily endorse the general thrust of the legislation, which is to place further enforceable responsibilities on employers.

The Coalition members are concerned definitions of carers, and their entitlement to request flexibility is unclear and that "serious countervailing business concerns" is a standard too difficult for businesses to prove.

The Coalition members are of the opinion better results will be achieved if employers are encouraged to work in a co-operative fashion with their employees rather than engaging in an environment of confrontation by government regulation enforcing particular outcomes.

While the Coalition members support the decision to defer Parliament's consideration of this bill until after the review of the Fair Work act is complete and the government has responded, this does not endorse the structure of the review.

Former Federal Court Judge Raymond Finkelstein once said "it is naive to think that a judge's background, education, heritage and personal ethical views do not influence their decisions".

To this end the Coalition members are concerned the review of Fair Work is being conducted by a hand chosen group of people who are likely to reach conclusions favourable to the government.

The Coalition members are also concerned the Fair Work review does not have instructions to consider productivity, flexibility or militancy problems to which the Fair Work act may be contributing.

In this light while the Coalition members consider it prudent to wait for the government's consideration of the review, it is not of the mind that a prima facie case exists to support the legislation in any case.

The intent of the bill and many submissions make the claim that the bill will bring more flexibility to the workplace. Coalition members strongly believe this will not be the case - indeed it is likely to lead to confrontation in the workplace where an atmosphere of co-operation and mutual benefit is much more productive for all concerned.

**Rowan Ramsey MP**

**Deputy Chair**

**Karen Andrews MP**

**Alan Tudge MP**