

# Work Choices: A Critical Analysis

## Introduction

This issue of the *Economic and Labour Relations Review* is devoted to an examination of the *Workplace Relations Amendment (Work Choices) Act 2005* (Cth). As Colin Fenwick says, this ‘legislation has brought about the greatest single change to Australian federal labour law since the introduction of compulsory conciliation and arbitration’. At a minimum, the Act is of significance because it seeks to develop a unitary system of industrial relations which will bring about the demise, or a diminution in the role and functions, of state industrial relations systems. *Work Choices* marks the beginning of a new model of regulation for Australian industrial relations. Regulation by third party neutrals, exercising powers of conciliation and arbitration, has been replaced by a system of executive regulation. The Minister for Employment and Workplace Relations has been given powers to intervene in determining both the conduct and content of employment contract negotiations.

The papers in this issue provide a broad overview of the Act as well as critical commentary on such issues as the historical and ideological context of the legislation, the use of the corporations power as the basis of the legislation, minimum working conditions, the newly created Australian Fair Pay Commission, agreement making, Australian Workplace Agreements, collective bargaining and industrial action, implications for unions and unfair dismissal.

I would like to thank all those who helped with the production of this issue of the *Economic and Labour Relations Review*. In particular, Richard Mitchell of the Centre for Employment and Labour Relations Law, at the University of Melbourne for his help in discussions concerning various aspects of *Work Choices* and possible authors for various topics. Of course, I am responsible for the final decisions made, as are the authors for the content of their respective papers.

This issue of the *Economic and Labour Relations Review* is dedicated

to Richard Mitchell for his outstanding scholarship and contribution to the development of the labour law discipline in Australia.

Braham Dabscheck  
Guest Editor