

Book Reviews

Remaking Australian Industrial Relations, Edited by Joellen Riley and Peter Sheldon, CCH, Sydney, 2008.

In May 2008 a special issue of *ELRR* sub-titled ‘Beyond WorkChoices: Remaking Industrial Relations in Australia’ sought to capture (and perhaps direct) the legislative expectations of the newly elected Rudd Labor Government. In the view of the editors, WorkChoices ‘cost the Coalition the government benches, Howard his electoral seat and the Coalition parties their ability to commit themselves ... to the sorts of employer-focused, individualised industrial relations that they had championed the previous two decades’. Thus, there was an expectation of legislative change, mixed with some misgivings about what might be acceptable in a parliament with a ‘hung’ senate. Already the Transition Act — *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* — had prohibited the making of new AWAs. Save for government policy statements and media releases, however, there was little detail concerning other aspects of the national industrial relations system that might be the grist of subsequent legislation.

Such a scenario was an ideal one for academic speculation. As the editors note: ‘We stand — if not at a “fork in the road” — at least at a point of departure from the traditional system of conciliation and arbitration which served as the foundation of Australia’s industrial relations system for some nine decades’. In this context, they attracted 14 authors, most of them well-known to the industrial relations audience, to speculate on future directions. The volume was broken into three parts, with the first part (Perspectives on the Past, Present and Future) containing four papers, each by a person who had been involved in the review of either the federal or a state industrial relations system. Hancock had conducted a review of the federal system, Niland and McCallum of the NSW system, Gardner of the Queensland system. Apart from the McCallum piece on the Rudd Vision, the papers addressed, and in part defended, the perspectives of their reviews.

Seven papers were contained in the second section, ‘Issues’. These addressed labour standards (Murray), unfair dismissal (Wilcox), conflict resolution (Buchanan), independent contractors (Stewart), trade unions (McCrystal), women at work (Baird), rights and remedies (Riley,) and employer perspectives (Baragry). The final section, on International comparisons, contained papers on the UK (Ewing), New Zealand (Anderson) and the USA (Strauss).

The general quality of papers in this special edition was good, and the volume was both timely and relevant. It was with some surprise, on the delay of over two years, to be asked to review the book *Remaking Australian Industrial Relations*, a book that incorporates and modestly expands on the contents of the special volume. Despite the efflux of time, and three new papers ‘to update readers on important developments in what is becoming known as the “transitional period”’ — the time between the announcement of new policies and the promised enactment of ‘Forward with Fairness’ reforms — the book remains largely rooted in the 2008 paradigm.

This is because it was used and published in 2008, before the final shape or impact of the *Fair Work Act* became known. Thus, the book does not cover significantly new developments or offer a major restatement of particular issues, even though eight new chapters were added. Paradoxically, this review is written in the week of a federal election which might usher in another U-turn in labour relations (and perhaps calls for another special edition!).

Six of the eight new papers are contained in two new sections of the book — ‘Towards a National System?’ and ‘What do Workers Want?’ The new structure is problematic, and a reasonable question is whether or not these eight new papers justify a second volume in addition to the ELRR special issue. The answer, for this reviewer at least, is ‘no’. This is not necessary a criticism of the papers themselves — these are of variable quality — but rather the fact that the book is out of synch with developments and thus provides limited value in interpreting those developments.

Part 2 — ‘Towards a National System’ is intended to update readers on developments during the transitional period. One of the three papers (that by Riley) provides an excellent overview of such developments. The other two have a different focus. Williams’ paper presents a potential cooperative model (i.e. federal and states) and reviews the findings of a 2007 NSW Inquiry. The other, by McCallum on harmonising occupational health and safety, hardly represents transitional developments or notions of an industrial relations system as commonly understood. Both of these well written papers could have been included in the ‘Issues’ section of the book.

Part 3 on what workers want is disappointing for its lack of inclusivity. A similar book a decade ago would have seemed bare without papers on youth, rural, women, indigenous and migrant workers. Baird’s original paper has been removed to this section and, together with Junor and Taska’s paper on pay and employment equity, might suggest that work, equity and pay issues are limited to females. The interview with McKay is interesting, but much broader than the ‘wants’ of workers. Van Wanrooy et al’s survey data do provide some antidote, but suffer from any survey results being constrained by the monograph in question rather than the original purpose of the survey. Overall, this section adds little to the debate, particularly in view of the inclusion of Baird’s paper in the original volume.

The editors note of both volumes that ‘it is timely to review the state of industrial relations law and policy in Australia.’ One would humbly suggest that the journal edition was timely and did meet a need. Its expanded monograph is untimely and adds little value to the original work. Readers will refer to the book because of the excellence of some of its contents rather than the editors’ original intent.

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