

Minority Report by the Australian Greens

1.1 The Australian Greens agree with the comments made in the dissenting report submitted by Senators Xenophon and Madigan.

1.2 The plans by Qantas management to offshore and outsource key elements of its operations have caused consternation amongst the Qantas workforce and travelling public. When the Qantas workforce sought through bargaining to ensure some degree of job security, Qantas management responded with a lockout of its workforce and the grounding of its fleet and passengers. There remain questions to be answered by Qantas management concerning its grounding and lockout during October 2011. There is concern that Qantas management is looking to export Qantas to a world of lower cost, lower services and lower safety. The justification by the company's senior management for the grounding was disproportionate and extreme when measured against the campaign the unions and workforce were running to preserve Australian jobs and maintenance contracts.

1.3 Partly in response to the Qantas industrial dispute, Adam Bandt MP, the Australian Greens Member for Melbourne, introduced a Private Member's Bill - the Fair Work Amendment (Job Security and Fairer Bargaining) Bill 2012. The bill provides that employers must give the same amount of notice – 72 hours – before a lockout of employees as employees must give of any industrial action, and to allow Fair Work Australia (FWA) when deciding to terminate protected action to have regard to whether it considers that a purpose of the lockout was to make any application more likely to succeed. The bill seeks to prevent employers from using Qantas-style lockouts as an industrial tactic.

1.4 The Job Security and Fairer Bargaining Bill also introduces a mechanism for FWA to make orders that are "proportionate" to the industrial action. At present FWA can suspend or terminate all industrial action even if only one part is causing significant damage. The Bill would give FWA the ability to suspend or terminate specific parts of the industrial action and allow others to continue. For example, in the case of the Qantas industrial dispute, pilots wearing non-uniform ties were not causing significant damage, yet their industrial action was terminated.

1.5 The intent of the Qantas Sale Amendment (Still Call Australia Home) Bill 2011 being considered by the Committee is to provide some security to the Qantas workforce and its passengers, and ensure Australia's national interest is taken into account by Qantas management. Qantas is our national carrier and it should live up to its marketing slogan of being "the spirit of Australia" and demonstrate a commitment to Australian jobs, and the skills of our workforce.

Senator Bob Brown
Senator for Tasmania

Senator Scott Ludlam
Senator for Western Australia