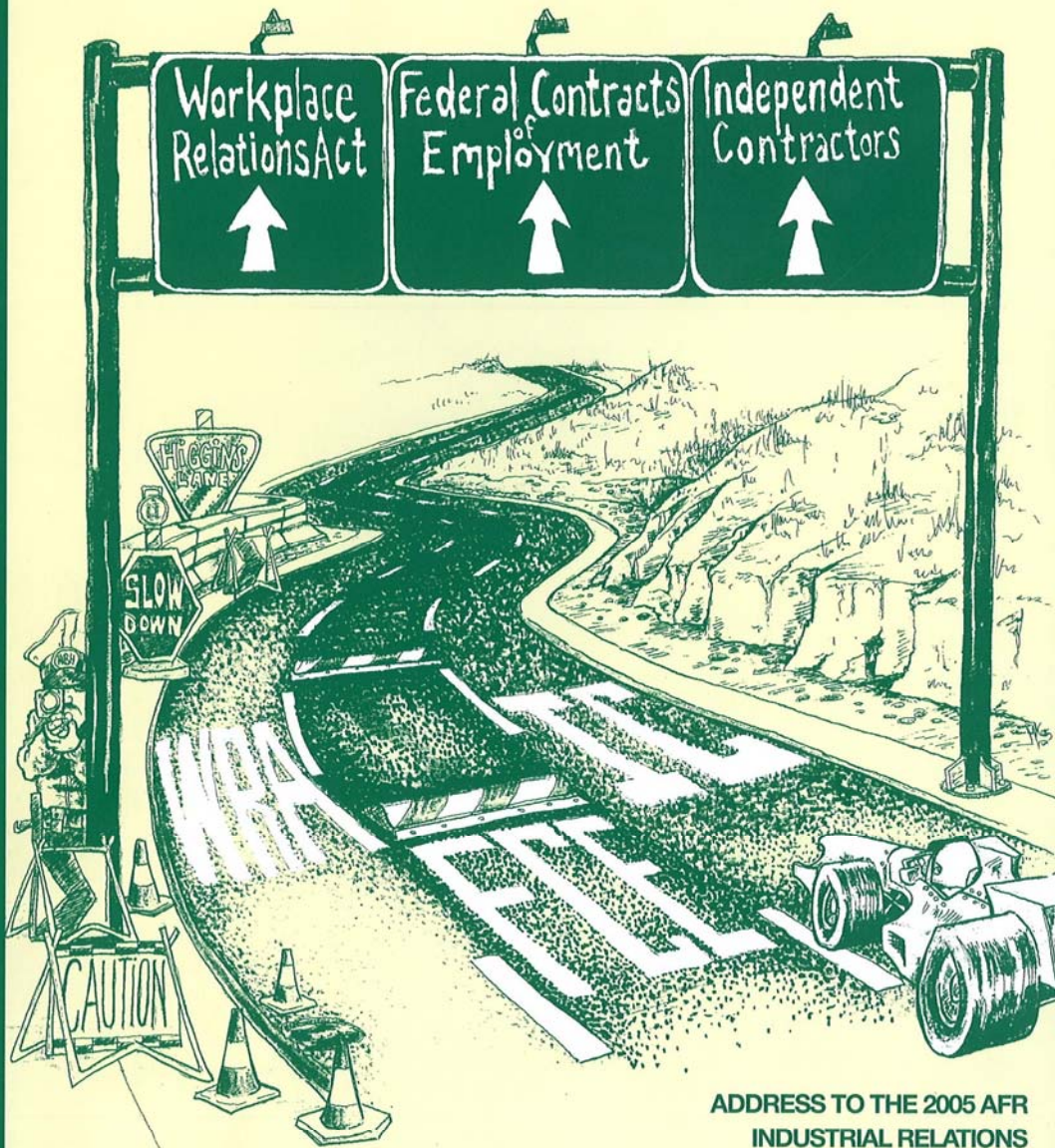


# The Workforce SuperHighway



ADDRESS TO THE 2005 AFR  
INDUSTRIAL RELATIONS  
CONFERENCE

BOB DAY

FOREWORD BY TIM COSTELLO



## **ABOUT THE AUTHOR**

The contribution of Bob Day to the Australian community extends far beyond his business interests as one of Australia's leading home builders. His strong interest in youth unemployment, homelessness, urban planning, federalism and industrial relations has been reflected in a wide range of appointments which include:

- National President of the Housing Industry Association
- Founder and Chairman of Independent Contractors of Australia
- Director of the Centre for Independent Studies
- Member of the National Work for the Dole Advisory Committee
- Founder of Oz Homes Foundation

On Australia Day 2003 he was appointed an Officer in the Order of Australia for service to the housing industry, to social welfare - particularly housing the homeless – and to the community. Later that same year he was awarded the Centenary of Federation medal for service to housing and charity.

Bob's company, Home Australia owns some of the housing industry's best known brand names including Homestead Homes in SA, Collier Homes in WA, Ashford Homes in Victoria, Newstart Homes in Qld and Huxley Homes in NSW.



## **FOREWORD**

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Some years ago I wrote a Foreword to a publication in which Bob Day, the author of this paper, likened the barriers to employment for young people to the famed Checkpoint Charlie border crossing in the Berlin Wall.

The theme continues in this paper, entitled The Workforce Superhighway, with Day contending that the highly regulated industrial relations system stifles access to the labour market and leads to social exclusion and denial of opportunity for many Australians.

Over the past two decades the Australian workforce has dramatically changed with the advent of the global market place, franchising, the rise of independent contracting and internet technologies.

While some will be mortified at the thought of a “Workforce SuperHighway” of the type advocated by Day, it is important that we keep our minds open to the ways in which we can best give all Australians an opportunity to share in all that our country has to offer.

In the context of a fast changing world of work the views offered by Day offer significant food for thought.

Tim Costello AO  
June, 2005

In 1997 I delivered a speech in which I compared the obstacles which prevent Australians from participating in the labour market to Checkpoint Charlie – that infamous entry point through the Berlin Wall which was made up of miles of barbed wire, concrete barriers, land mines, fortifications and armed guards. The Berlin Wall separated the world of the free market from that economic wasteland that was the Communist East. When it came down in November 1989 everyone knew that Communism was dead. During its 40 year existence only the privileged few could pass to and fro through Checkpoint Charlie, and even they knew that if they did not return, the lives of their loved ones were in jeopardy.

Now I accept that I was perhaps overstating my case somewhat, but the fact remains that the barriers to entry into the Australian labour market, particularly for the low skilled, poorly educated or socially disadvantaged or for those who lack connections, self-confidence or even good looks, are serious indeed. For those people - especially teenagers and now for older workers as well, the obstacles to getting a job were as formidable as getting through Checkpoint Charlie.

I said also that we had become too accustomed to a higher level of unemployment in this country than was either inevitable or desirable. And while it is a good thing that in 2005 we enjoy an official unemployment rate of around 5%, this still represents a failure on our part because it masks a serious level of underemployment, and a low participation rate. If Australia had the same proportion of its working age population working as, for example, in the United States we would have another half a million people in work.

We all remember the words of Ted Evans, the former Secretary of the Commonwealth Treasury who in 1993 said that unemployment in Australia was a matter of choice. Choice. A simple word and an even simpler concept. We are free to choose.

The deep-seated desire of people to be free from tyranny is the very reason that the Berlin wall was pulled down. People chose freedom.

Let us now consider for just one moment the enormous social and personal cost that unemployment and underemployment has on individuals and the community. The costs in human suffering are enormous. When we limit, by the application of various constraints, the opportunity to work, we tell people in the most graphic of ways – “Sorry, your contribution is not needed – **YOU** are not needed.” When people are excluded from full participation in community and working life the predictable results are frustration,

depression, addiction, domestic violence, civil disorder and even suicide. The highly regulated, highly protected workplace might be cosy for those on the inside but it comes at a great price for those who wait outside its gates hoping to someday get their entry ticket. This price is particularly paid by older workers who, if they didn't have a myriad of regulations to impede their path, would have a much greater chance of negotiating an arrangement that would enable them to remain in the workforce way beyond their traditional use by date.

This myriad of regulation is Australia's Check-Point Charlie and it continues to function as a barrier to getting a start - or a 'start again', in the labour market.

Australia has been groaning under this yoke for a century. But now we have the opportunity for great change. Free markets and free societies are in the ascendant, and the defenders of regulation and privilege are on the defensive. And while it is still true that the price of liberty is eternal vigilance, it is also true that freedom today is growing around the world. As a big idea, individual liberty within liberal democracies, underpinned by free markets, is now dominant. The idea of a flexible and free labour market has now become mainstream. Even the Keating Labor Government tried to adjust to the reality that deregulating capital markets, and winding back protectionism, meant that the closed shop could not continue. Protectionism and wage regulation went hand in hand. They were opposite sides of the same coin. Higgins' face on one side, Alfred Deakin's on the other. Higgins was the champion of labour regulation, Deakin the champion of protection. But it is one thing to grasp this reality and another to enact the policies required to make it work.

Today I want to offer you a glimpse of the world that lies on the other side of Australia's Check-Point Charlie. I want to describe to you the Workplace of 21st Century Australia

Instead of Check-Point Charlie I see a wide highway - a Workforce SuperHighway, on which Australians will be able to travel. This Super Highway will have three lanes and each Australian will be free to select the lane he or she prefers, and to change lanes whenever he or she wishes.

The first lane I will call the Higgins Lane; the second the Employment Contracts lane; and the third the Independent Contractor lane.

I have named the first lane the Higgins Lane in memory of Henry Bournes Higgins - often described as the father of the Australian system of conciliation and arbitration. The Higgins Lane is the lane in which most Australian workers are currently forced to travel. The Higgins Lane is supervised, managed and regulated by the Australian Industrial Relations Commission, the various State tribunals, the Federal Court, the trade unions, the employers' organisations, and a battalion of lawyers who advise them all. It is the lane of Enterprise Bargaining Agreements (EBAs) and Australian Workplace Agreements (AWAs) and the many hundreds, perhaps thousands of legally binding Awards. Traditional employment, ie the traditional employer – employee relationship, has become so regulated that we have, in the words of Richard Epstein, “.....created a legal edifice of stunning complexity. Protective laws abound on every conceivable aspect of the subject: health, safety, wages, superannuation, unionization, hiring, promotion, dismissal, annual leave, long service leave, retirement, discrimination, access and disability. The volumes of regulation, rulings, and cases on each of these bodies of law would take a treatise to summarize fully.”

Then there is the middle lane. This is a lane reserved today for the privileged few and it is rarely used. It is the Common Law Employment Contracts Lane, and the few who are not confined by the massive concrete barriers of the Higgins Lane, can avail themselves of the space and the freedom to travel in this lane. By and large it is reserved for the high earners - senior executives, salaried lawyers and accountants, sporting stars, TV celebrities and so on. Many of these people operate in the global marketplace for their skills. Not for them the constraints and constrictions of the Higgins legacy. Once upon a time however, everyone had access to it, but Higgins and his successors put an end to that by roping in this industry, then that industry, and so on, until today we find very few people travelling in that middle lane. On the Workforce SuperHighway of the future however, I see the middle lane providing employment relationships for employees and employers who want freedom and flexibility. The traffic in this lane will move much faster and more freely than in the Higgins lane. In the middle lane, employment conditions will be determined **solely** by the parties themselves - no-one else. Hours of work, rates of pay, holidays, sick leave, long service leave, hiring and firing, will all be agreed between the two parties. Employer and employee. It will be the lane of the Federal Contracts of Employment Act (2005). What is now the preserve of the few, becomes the opportunity for the many. There will be no Industrial Relations Commission for the people who agree to these contracts. In the event of a dispute they may seek advice from a voluntary mediation service, or they can seek redress in the State Magistrates Courts.

A Commonwealth Act is needed which creates an employment contract based on common law principles, and which will provide iron clad protection for the parties to that contract from the regulators, the commissioners, the judges, and the trade union officials who rule over the Higgins Lane. The essence of such an employment contract is that it will be an agreement which the parties have reached by themselves; and to which they are willing to commit because both parties believe they will be better off as a consequence of their commitment.

If the Commonwealth Parliament were to pass such legislation, and it could do so using the Corporations power (Section 51(xx) of the Australian Constitution). There would be no need to shut down the various State systems, nor to do anything more than tinker with the 1996 Workplace Relations Act. With such an Act on the statute books, employers and employees would be free to choose the lane on which they wished to travel. Those employers and employees who prefer the Higgins Lane could stay there. Those who want to do their own thing however, who believe that they know best what is best for them, could use this new Commonwealth Act, to write what is essentially a common law employment contract, and be secure in the knowledge that no industrial tribunal, no trade union official, no firm of ambulance chasers and no busy-body bureaucrats, could interfere in the employment relationship established by that contract. A Federal Contract of Employment Act would do for workers what Sections 45 D & E of the Trade Practices Act did for companies – ie protect their rights to go about their lawful business without interference, intimidation or boycott by a third party.

Finally, there is the outside lane. The fast lane. The lane of Independent Contractors. The lane of small and micro business. More and more Australians are choosing this lane – over one million at the last count. I am very familiar with many of them because they have been the back-bone of the housing industry for as long as I have been involved in it and for long before that. They are engaged by business, government and householders in countless ways. They mow our lawns, deliver our parcels, fix our computers, shear our sheep, paint our gutters – they even write much of what we read in our daily papers. When the car needs servicing, the drains need clearing or the kids want to learn to play the guitar, the likelihood is that we will call an independent contractor.

They are the most productive, creative workers in our economy. They negotiate a price and they wear the risk that they complete it on time and on budget. Just as you know what

you want, so they know what they can provide and they get on with it. We must make it easier for these contractors to be engaged by government and we need to remind tax bureaucrats that those who wish to travel in the fast lane are doing so because they want flexibility and fulfilment in their lives, not because they are seeking back door tax relief. These people are not employees - they are small business operators. They accept the risks and rewards of business and they deeply resent being labelled employees.

The 21<sup>st</sup> century revolution in communications and information technology provides individuals with enormous resources and access to information on everything from franchise options to business checklists. Google has replaced Government. And just as freedom has undermined dictators abroad, so it has empowered thousands of ordinary Australians. Our economy is a diverse, diffuse and dynamic entity. Merit is now the absolute determinant of success.

Nevertheless, it is beyond argument that many people, probably a majority, prefer to be employees than to be independent contractors. But for many employers and employees the Higgins Lane has become so costly and burdensome that potential investors in Australia go elsewhere to establish new plants and businesses and existing travellers in the Higgins Lane have to put up with the burdens imposed upon them because they are confined by statute and regulation. They have nowhere else to go.

The Howard Government, in considering the opportunities which the new Senate will give them, has spent a great deal of time discussing what changes should be made to the 1996 Workplace Relations Act - the great-grandson of Higgins' 1904 Conciliation and Arbitration Act, in order to make the Higgins Lane less costly and less burdensome. They are supported in this activity by employer and big business organisations. At the same time they are being warned by the trade unions and Labor leaders, and many media commentators, to leave the Higgins Lane well alone. Then there is the desire of the Federal government to have one system of labour market regulation, run by the Commonwealth. In this ambition they have been strongly supported by the business groups – big business organizations in particular.

I hold the Howard Government in very high regard. And whilst there is nothing wrong in principle in seeking to make the Higgins Lane less burdensome, it is far more important to do for employees what the Government has promised to do for independent contractors and that is to make the Employment Contracts lane accessible to all who would like to

travel on it. Such an arrangement would substantially increase productivity and the benefits to individual employees who choose to move lanes would be incalculable. The much publicised labour shortage for both skilled and unskilled workers is real and competition for workers is rapidly increasing. The choice of how people work is now very much in the hands of employees.

It is time for our political leaders to recognize these changes in society and create, enshrine and protect the extra lanes on the Workforce SuperHighway. We need the Federal Contracts of Employment Act and the Independent Contractors Act, so that people can do their own thing and escape the clutches of the Workplace Relations Act if they want to.

How we work, and with whom we associate, are fundamental rights. It is unthinkable that in Australia today government would attempt to tell us whether to have children or not. Nor would they dare attempt to limit our choices of holiday destinations, or in which suburb you may choose to buy a house. Why then should government be allowed to circumscribe our most basic choice, namely how much time we devote to work, and the price we seek in exchange for this time?

Sometimes new statutes lead the way in defining a new state of things and establishing new ground rules. More often though, as is the case of these proposed statutes, they simply reflect changes which are already a fact of economic and community life.

For the health and vigour of our economy, for our future prosperity, it is essential that we unshackle our workforce. The world of work as we knew it, is gone. Independent contracting and streamlined employment contracts are with us. But let us not forget that they are here not because of the law, but because the choices and actions of millions of Australians have said this is what they want and this is how they want it. New laws are important however because they enshrine in legislation rights and protections for those who choose to work differently.

Just as the benefits from phasing out tariffs proved to be far, far greater than anyone had predicted during the 1960s and 1970s, it is impossible to predict just how great the benefits will be from giving people freedom to choose their own working arrangements. Mature age workers, the 'x' and 'y' generations who are in demand globally, might not want or need any or all of the so-called '20 Allowable Matters' contained in Awards. So

why make them pay for them. And make no mistake it is the employee not the employer who pays for all the provisions contained in the Award system.

All people want is freedom of choice.

Some will opt for the slower lanes for a variety of legitimate reasons. It comes down to respecting their choice. People do things for their reasons and it is not for outsiders to override those choices.

We cannot continue to place obstacles in the path of those who choose to work differently. The nature of economic life and the labour market have changed - and so have the opportunities which the global economy affords.

Australia has the opportunity to become one of the world's most prosperous nations – spectacularly prosperous in fact. The benefits of that prosperity would be too numerous to list.

Welcome, to the Workforce SuperHighway.

# **FEDERAL CONTRACT OF EMPLOYMENT**

**Employee**\_\_\_\_\_

**Employer**\_\_\_\_\_

**1. Employee:**

Name: .....

Address: .....

Ph: (Home) ..... (M)..... (E).....

**2. Employer:**

Business Name: .....

Address: .....

Ph: (Bus) ..... (M) ..... (E) .....

ABN/ACN/ARBN: .....

**3. Scope of Work:** *(Description, duties, responsibilities)*

.....  
.....  
.....  
.....

**4. Location/s of Work:**

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.....  
.....  
.....

**5. Hours of Work/Performance Measures:**

*(eg normal working hours/performance standard)*

.....  
.....  
.....  
.....

**6. Remuneration:**

*(eg Rate, scale and/or method of calculation, frequency and method of payment)*

.....  
.....  
.....

**7. Terms and Conditions:** *(Specify provisions/benefits/conditions provided in addition to remuneration outlined in Section 6)*

Recreation Leave: .....  
Public Holidays: .....  
Sick Leave: .....  
Long Service Leave: .....  
Superannuation: .....  
Other: .....

**8. Duration of Contract:** *(eg Fixed Term, Periodic)*

.....  
Commencement Date: ..... Completion Date: .....

**9. Period of Notice for Termination of the Contract:**

.....

**10. Other Terms, Conditions or Agreed Matters:**

.....  
.....  
.....  
.....

We, the parties to this contract acknowledge and agree that this Federal Contract of Employment is a contract of employment made under the Federal Contracts of Employment Act (2005) and is voluntarily entered into by each party. In relation to the subject matter of this Contract of Employment it is agreed that neither the employee nor the employer may be made a party or respondent to any proceeding in a matter arising under the Workplace Relations Act 1996 (Commonwealth).

Employee: \_\_\_\_\_

Employer: \_\_\_\_\_

Date: \_\_\_\_\_

## FEDERAL CONTRACTS OF EMPLOYMENT ACT 2005.

1. A corporation and a prospective employee of the corporation may enter into a contract governing their employment relationship, to be known as a Federal Contract of Employment, with effect as set out in sections 4 and 5, to be enforced as set out in Section 6, provided it complies with Sections 2 and 3.
  
2. A Federal Contract of Employment must:
  - a. be in writing; and
  - b. contain the following provisions:
    - i. the names of the employee and employer
    - ii the date when the employment is to begin;
    - iii the scale or rate of remuneration or the method of calculating remuneration;
    - iv. the intervals at which remuneration is paid (that is, weekly, monthly or other specified intervals);
    - v. terms and conditions relating to hours of work (including any terms and conditions relating to normal working hours);
    - vi. any terms and conditions that may be agreed between the parties relating to any of the following-
      - (1) entitlement to recreation leave, public holidays, long service leave, and superannuation (the particulars given being sufficient to enable the employee's entitlement, including any entitlement to accrued holiday pay on the termination of employment (if any), to be precisely calculated);
      - (2) incapacity for work due to sickness or injury, including any provision for sick pay;
      - (3) the length of notice (if any) which the employee is obliged to give and entitled to receive to terminate the Federal Contract of Employment;

- (4) if the Federal Contract of Employment is for a fixed term, the date when it is to end;
  - (5) either the place of work or, where the employee is required or permitted to work at various places, an indication of that and of the address of the employer.
3. An employer entering into a Federal Contract of employment shall, at all times, maintain a workplace or workplaces that are safe.
4. When a law of a State is inconsistent with a Federal Contract of Employment, the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.
5. Neither party to a Federal Contract of Employment may, in relation to the subject matter of the contract, be made a party or respondent to any proceeding in a matter arising under the Workplace Relations Act 1996 (C'th).
6. A Federal Contract of Employment may be enforced in a State court, of competent jurisdiction, as if it were a contract of employment at common law.

## **Indigenous Employment and the Workforce SuperHighway**

Late last year, Michael Long, a prominent Aboriginal leader and gifted Essendon champion, left his home in Melbourne to walk to Canberra in the hope of speaking with the Prime Minister. Now this was no amiable stroll along a major highway but a walk fuelled by a deep frustration at the exclusion of Aboriginal people from many aspects of national life. As Long described it in a interview, *“I had to do something – everything was going backwards for Aboriginal people and no one was listening.”*

In many areas of national life the participation rate for Aboriginal people is low. This is particularly so in those areas which hold the best prospect for advancing their interests, namely, education and workforce participation.

The advent of ‘sit-down’ money and limited workforce opportunities has been instrumental in the demise of Aboriginal life. While some will regard the payment of ‘sit down’ money as a reward for passivity, many others recognise the seriously harmful consequences of income derived without effort and of days spent without meaningful activity or purpose. Limited opportunity to undertake meaningful paid work is a most serious form of social exclusion. When people are denied the opportunity to work, whether through the economic incapacity of their environment or arbitrary workplace restrictions, we tell them in the most graphic of ways that their contribution is not needed and that they are not needed.

The Australian workplace environment is dominated by a highly regulated labour market in which remuneration is arbitrarily determined (Awards) and in which there is no economic relativity between the cost of labour and the value derived from the application of that labour. It doesn’t take a rocket scientist to understand that where the cost of labour exceeds the value derived from that labour then the labour becomes uneconomic and the job opportunities are lost.

Let’s be clear about this – there is no shortage of work! There is, and always will be, a limitless amount of work to be done. The issue however is not the availability of work but the amount another party is prepared to pay in order to have that work undertaken.

In the traditional workforce employees are engaged under an award rate or under similar terms and conditions as outlined in an enterprise agreement. In the health, education, government and community sectors vast numbers are also engaged as volunteers. It is a strange circumstance that workers can be engaged at the full award rate or no rate at all (volunteers) but they cannot be employed at any remuneration level in between – it is simply illegal. This illegality persists regardless of the willingness and desire of the parties (ie employee and employer) to enter an arrangement that is mutually beneficial to each party.

In many indigenous communities there is a lack of economic capacity to create employment at a level that will sustain remuneration at award levels. Work is available, and workers are available, but the legislated rates of pay make employment impossible. It is here that the lack of meaningful work and the availability of 'sit down' money combine to wreak social havoc. Individuals lose heart, drug and alcohol abuse become rife, and violence becomes an all too common accompaniment.

The small but certain passive income received by those who are unemployed comes at a terrible price. Social isolation, economic dependence, lack of opportunity to progress and despondency are all too common for those denied the opportunity of meaningful paid work. It is in this context we must be prepared to look for other ways forward, ways that overcome the burdensome barriers to employment that hold so many back.

One of the clues to moving forward lies in developing a deeper respect and understanding of what people value. While the blunt instrument of an award may pre-determine the remuneration payable for a particular piece of work it does not tell us what people value.

Every morning millions of Australians go off to work and they do so for their own particular reasons. The award rate, though of interest to them, is for the greater number not the driving force. In fact, a million or more go off to perform work for which there will be no remuneration – they are volunteers and they do it because they value the opportunity to contribute to the lives of those around them.

Another large group who head out the door are self-employed. Their reason to get up and going is connected to their desire to be self reliant, to be their own boss and to pursue an area that has interest and meaning for them. Yet others are motivated by the social dimension of work, or the opportunity to use a particular skill, or to work in an environment

that is particularly satisfying or a hundred other reasons that have little to do with the rate of pay.

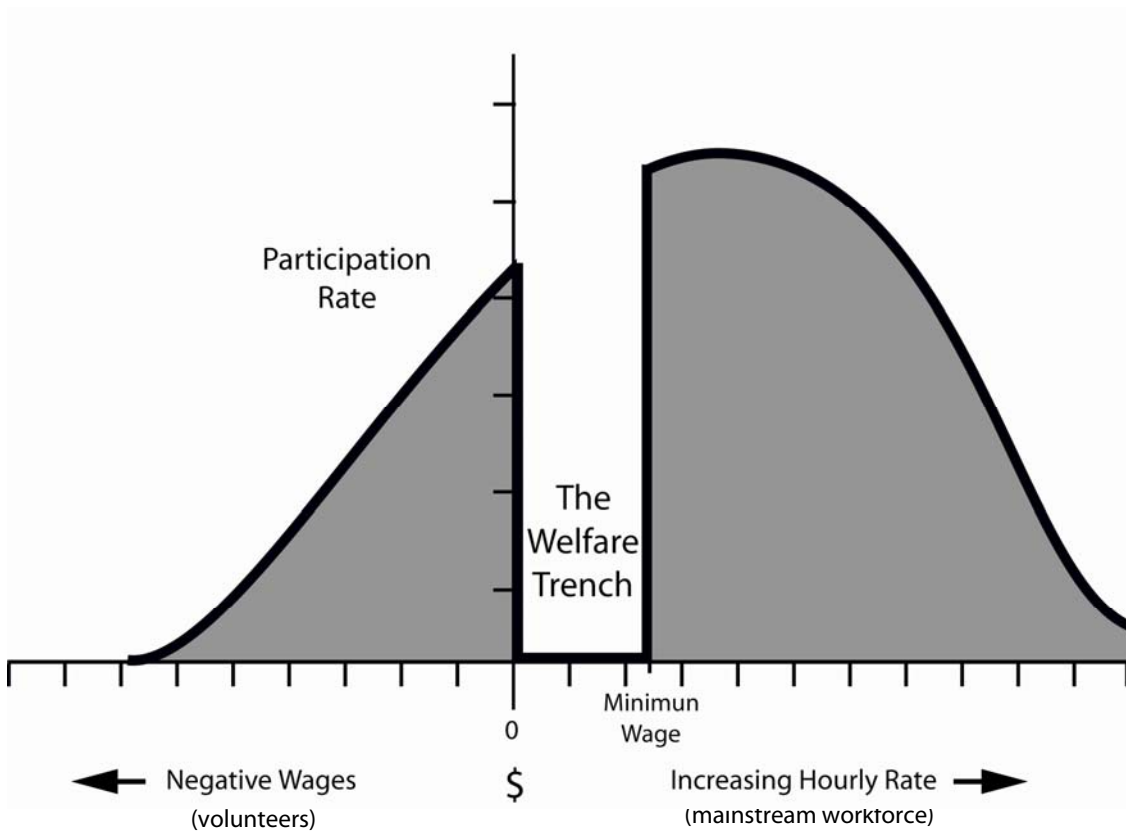
It therefore seems strange in a free and open society we should arbitrarily seek to limit the right of people to freely exchange their labour for whatever has value in their eyes. In no other area does this seem to apply. For example, I am free to determine the price at which I would be prepared to sell my home and I am free to determine the price I am prepared to pay for any item I choose to purchase yet I am not free to determine the value I place on my own labour. One has to seriously question why legislated wages exist and why individual workers cannot choose to make arrangements with employers that are mutually beneficial and mutually satisfying.

Behind legislated wages lies a crude and erroneous assumption that the capacity to pay is uniform - or even relatively uniform. Yet, it is clearly nonsense to suggest that the capacity to employ and pay in a remote community is the same as that in a major commercial centre. We need therefore to embrace greater flexibility in the labour market by giving freedom to those employees and employers who choose to do so, to step outside the regulated labour market and make arrangements that suit their own needs. Federal Contracts of Employment offer just that kind of freedom.

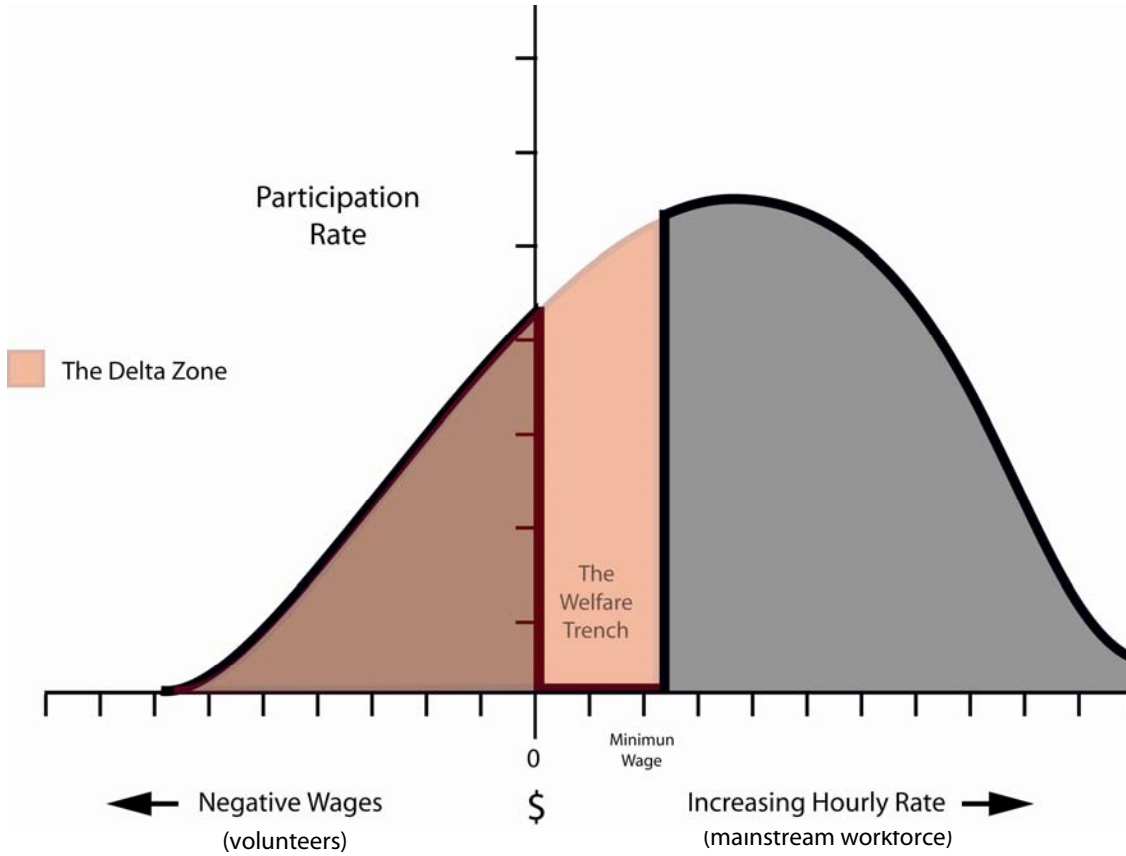
In indigenous communities, and in many other environments, the opportunity for the parties to explore what is of value to them, and the freedom to make their own arrangements, will open doors to workplace participation in a way that is simply not possible now. We need to hear and acknowledge the boiling frustrations of Long and many others in the aboriginal community and determine to break through the barriers to employment they face. We need to think and act outside the square.

In recent years many pro-active Aboriginal communities have been exploring creative approaches to restore dignity, activity and a self reliance to their people. The freedom to explore flexible and creative remuneration arrangements that serve the interests of all the parties can only assist in this regard.

***Bob Day has worked as a volunteer on Aboriginal communities and is the author of 'The Workforce SuperHighway.'***



### The Delta Zone



## **The Delta Zone and The Workforce SuperHighway**

In a natural delta between river and sea, there is a space where neither tide nor flow have absolute rule. Enriched over the centuries, the fertile plains bounding the triangular path from land to sea are frequently places of intense primary production.

In the world of work there is also a Delta Zone between paid and unpaid work where the rules of neither reign but the influence of both is felt (see diagram). Many Australians find themselves in this Delta Zone - the disabled, the unemployed, the underemployed, ex-prisoners, the over 50's and single parents to name but a few.

For many there is a deep sense of being trapped in a deep trench – a trench forged by government policy and social indifference – and one from which they cannot climb. Over time the steep banks from the trench to the world of paid work seem increasingly insurmountable and despondence sets in. The regularity of welfare payments may bring a scrap of security, but they offer little hope.

This year, the Federal Government's total welfare bill including aged pensions, is \$83bn. Over the next four years it is expected to grow to \$100bn. The cost in personal suffering and loss of human potential for the million Australians in the trench however, is beyond measure. Not only are they poorer for remaining in the trench, so is Australia. While they may not be as competitive or experienced as others in the work force they still have much to offer - they just need a start. In good financial times it seems much easier for us, as a nation, to simply pay the welfare benefits to those in the trench rather than grappling with serious problems underlying their entrapment. In tougher times this would not be an option.

As much as those in the trench desperately need a start, regulated wages and the fear that small amounts of work will disrupt their meagre benefits, conspire to extinguish almost every hope of entering the workforce. And so we see people churning through the system, training program to training program, support service to support service, but never finding their way up the escarpment to real paid work.

In Australia the vast majority of people want to work, and most do. It's just that some work for a wage while others work for other reasons that they see as being of benefit to either themselves or others. Many volunteers even pay to work (negative wages) by personally meeting the costs associated with their activity. A retired friend of mine commented recently that his new roles as chairman of this and member of that were costing him a fortune! However you want to look at it though, the activities of volunteers offer compelling evidence that the receipt of a wage is not the only thing that has currency when it comes to work.

It is a strange phenomenon that a worker can choose to work for nothing, or they can choose work for a legislated minimum wage, but they cannot choose to work for any level of remuneration or benefit in between - regardless of how well doing so might suit their circumstance. Why is that? Is it about the needs and interests of the person themselves or is it more about preserving the benefits and interests of those outside the Delta Zone.

While there is never a shortage of work, the cost of labour ultimately determines how much of that work is available to be performed on a paid basis. This is where the tidal influence of a highly regulated labour market maroons some of our most marginalised citizens. The regulated market establishes the price of labour without realistic regard to the relationship between cost and benefit. Clearly, where the regulated cost of labour and conditions exceeds the benefit derived, the opportunity for the work to be undertaken on a paid basis simply evaporates and the least able in the labour market suffer. Retirees and the financially independent may embrace voluntary work - and thank goodness they do, but one can hardly blame those on small fixed incomes for wanting some way of earning a level of income that will make their lives easier.

While a barrage of industrial relations legislation excludes many from paid work by denying them power to enter arrangements for work that meet their needs, a Federal Contracts of Employment Act and the proposed Independent Contracts Act offer new hope. These initiatives put power back in the hands of those who offer their labour for hire. It grants them the right to determine for themselves what is of value and under what terms and conditions they are prepared to offer their skills, abilities and effort for exchange.

In the burgeoning not-for-profit sector where the tides of volunteerism and paid work meet we find the ideal environment to transcend the gap between the trench and the workplace. Here, in an environment sensitive to the needs of those on welfare, is the place where

individual employment contracts can serve the interests of the jobseeker and those of the community at large. The proposed legislation underpinning individual contracts is empowering legislation. It recognises that a highly regulated labour market might serve those on the inside but denies opportunity to those on the outside who are often those in greatest need.

We look forward to a future workforce in which people, regardless of their social or economic standing, are affirmed in their right to enter work contracts that serve their interests and no longer face social and economic exclusion. This 'Delta Zone,' rather than being a wasteland, is in fact a fertile place of opportunity, filled with people who can make a real and lasting contribution - if only they are given a chance.